



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, January 11, 2011, 6:00 p.m.

City Hall Council Chambers
630 E. Hopkins Street

Sherwood Bishop, Chair
Bill Taylor, Vice-Chair
Randy Bryan, Commissioner
Bucky Couch, Commissioner
Curtis O. Seebeck, Commissioner
Jim Stark, Commissioner
Chris Wood, Commissioner
Travis Kelsey, Commissioner
Kenneth Ehlers, Commissioner

AGENDA

1. **Call to Order.**
2. **Roll Call.**
3. **Election of Officers:**
 - a. **Chair**
 - b. **Vice-Chair**
4. **Chairperson's Opening Remarks.**
5. ***NOTE:*** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*
6. **Citizen Comment Period.**
7. **CUP-10-33 (Shipley's Drive Thru)** Hold a public hearing and consider possible action on a request by Carlos Hernandez, agent for Hom Kear for a Conditional Use Permit to allow a Food Service/Drive-In establishment to be located within a Community Commercial (CC) zoning district located at 1602 Aquarena Springs Drive.
8. **CUP-10-34 (Wok & Roll Restaurant)** Hold a public hearing and consider possible action on a request by Mei Wan Lai to allow the sale of beer and wine for on premise consumption at a restaurant at 812 S Guadalupe St.
9. **WPP2-10-0003** – Hold a public hearing and consider possible action on a request by Byrn & Associates, Inc., on behalf of Outlet West Investors, LTD, for a Qualified Watershed Protection Plan Phase 2 for the realignment and channelization of a portion of Cottonwood Creek (from the Union Pacific Railroad culvert southwest of Centerpoint Road to the Cottonwood Creek crossing of Centerpoint Road northwest of Gregson's Bend).

10. **PDD-10-01. 222 Ramsay.** Hold a public hearing and consider a request by Iconic Development, on behalf of San Marcos Green Investors, for a Planned Development District (PDD) overlay with a Multi Family (MF-24) base zoning for approximately 3.86 acres located at 222 Ramsay Street.
11. **LUA-10-14 (1311 N. IH 35)** Hold a public hearing and consider possible action on a request by ETR Development Consulting, agent for Darren Casey Interest, Inc. for a Future Land Use Map Amendment from Commercial (C) to High Density Residential (HDR) for a 2.547 acre tract located at 1311 N IH-35.
12. **ZC-10-20 (1311 N. IH 35)** Hold a public hearing and consider possible action on a request by ETR Development Consulting, agent for Darren Casey Interest, Inc, for a Zoning Change from General Commercial (GC) to Multi-family (MF-24), for a 2.547 acre tract located at 1311 N IH 35.
13. **Discussion Items.**

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

Planning Report

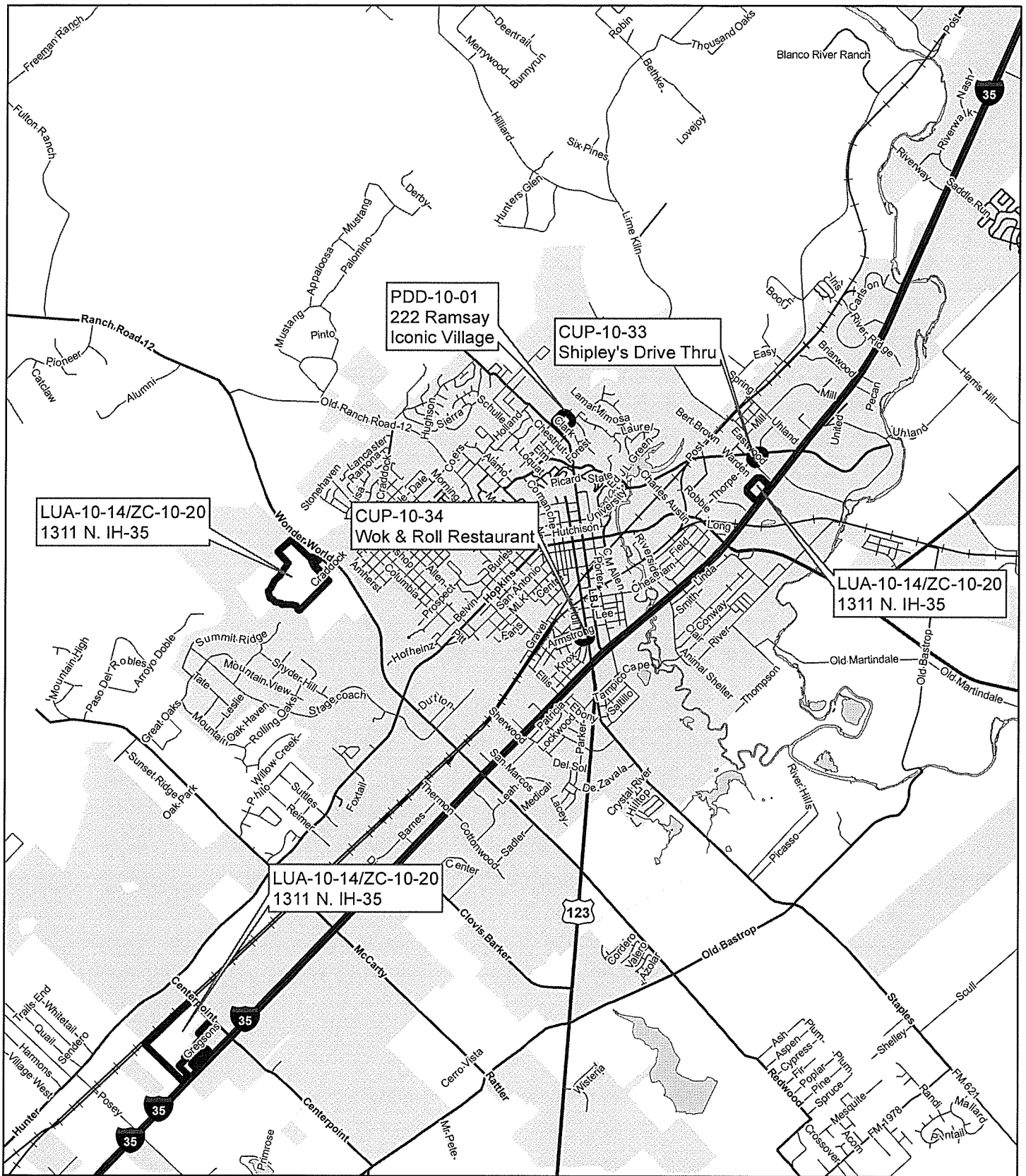
- a. End of Year Report.
- b. Planning Commission 2011 retreat
- c. Planning Article- Placemaking as an antidote for shrinking city budgets

Commissioners' Report.

14. Consider approval of the minutes from the Regular Meeting on December 14, 2010.
15. Questions from the Press and Public.
16. Adjourn.

Notice of Assistance at the Public Meetings:

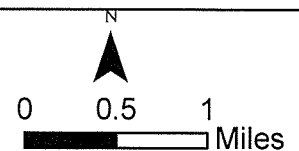
The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.

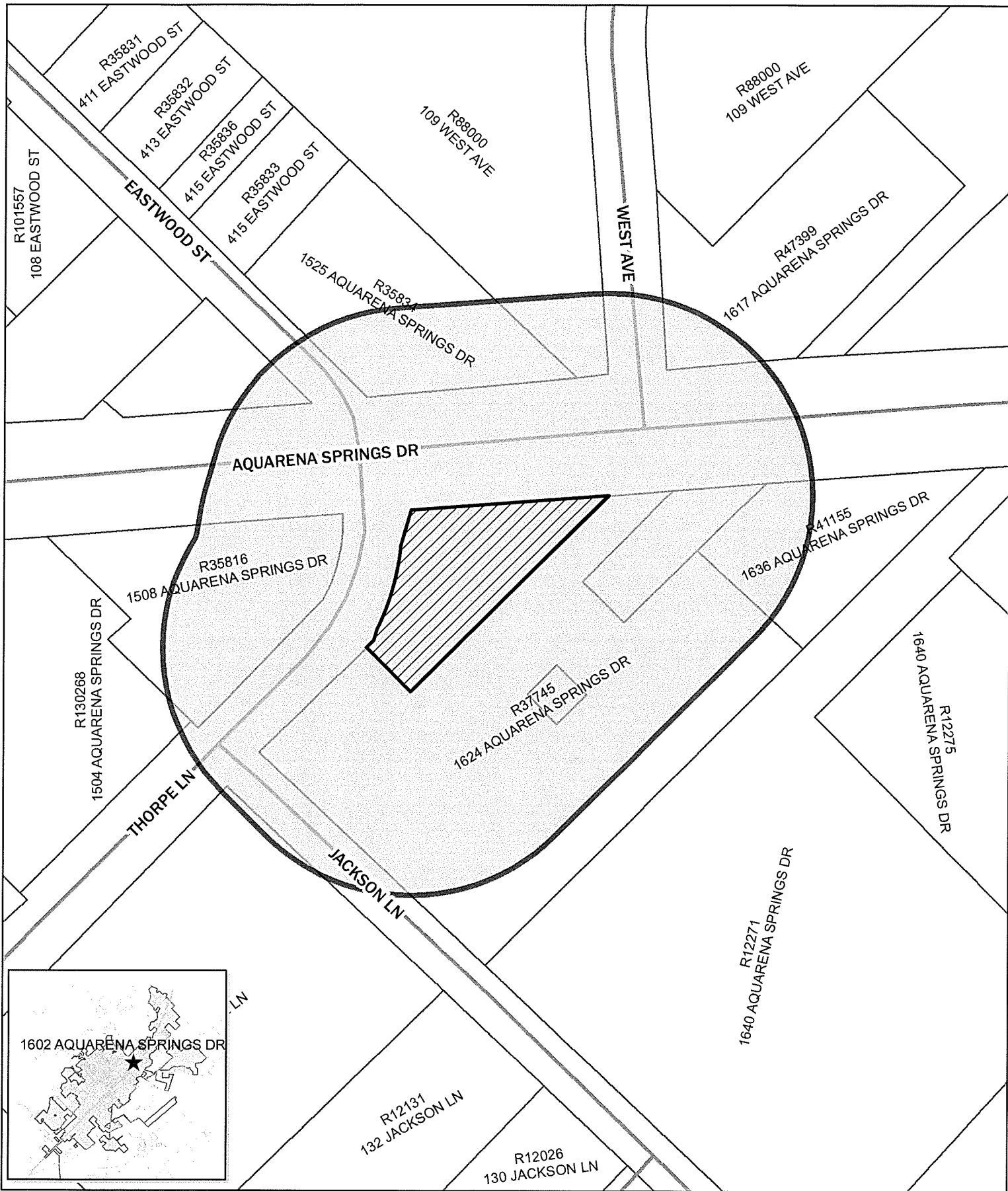


Location Map January 11, 2011




City of San Marcos
Development Services-Planning

Created By: John Foreman
Date: January 7, 2011
Map is not of survey quality. No warranty is assumed or implied.





CUP-10-33
1603 Aquarena
Map Date: 12/21/10

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



CUP-10-33
Conditional Use Permit
Shipley's Donuts
1602 Aquarena Springs Drive



Applicant Information:

Applicant: Carlos Hernandez, agent for
Carlos Arencio Development
322 Cheatham Street
San Marcos TX 78666

Property Owner: Hom Kear
523 Diamond Oak
New Braunfels, TX 78132

Applicant Request: A Conditional Use Permit (CUP) to allow a drive-thru lane in a
Community Commercial (CC) zoning district located at
1602 Aquarena Springs Drive.

Notification: Public hearing notification mailed December 29, 2010.

Response: None to date.

Subject Property:

Location: 1602 Aquarena Springs Drive

Legal Description: Lot 1, Aquarena Retail Subdivision (0.474 acres)

Frontage On: Aquarena Springs Drive and Thorpe Lane

Existing Zoning: Community Commercial (CC)

Master Plan Land Use: Commercial (C)

Sector: Sector 7

Existing Utilities: Adequate for proposed use of a restaurant

Existing Use of Property: Vacant Site

Proposed Use of Property: Restaurant (Donut Shop) with drive-thru

Zoning and Land Use
Pattern:

	Current Zoning	Existing Land Use
N of Property	GC – General Commercial	Commercial
S of Property	MF-18 Multi-Family	Medium Density Res
E of Property	MF-18 Multi-Family	Medium Density Res
W of Property	CC - Community Commercial	Commercial

Code Requirements:

A conditional use permit allows the establishment of uses/structures which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

Planning Department Analysis:

The subject property is approximately 0.479 acres in size and is located at the intersection of Aquarena Springs Drive and Thorpe Lane. Aquarena Springs Drive is considered a major arterial roadway and as such the Sector 7 plan has identified this area as being appropriate for commercial land uses. The Sector 7 Plan also identifies Aquarena Springs Drive as a community gateway and calls for high quality, attractive development along this roadway.

The applicant is proposing to develop this site with a one story 3,480 square foot masonry veneer, commercial building; 1,480 square feet of the structure will be utilized as a donut shop and the remaining 2,000 square feet will be retail/office lease space. The applicant is seeking a conditional use permit for a restaurant drive-thru lane. While a restaurant is permitted by right in the Community Commercial zoning district a conditional use permit is required for the use of a drive-thru.

This property's location is at the high traffic count intersection of Aquarena Springs Drive and Thorpe Lane – and the possible hazardous impact on existing and anticipated traffic needs to be addressed. The Thorpe Lane driveway entrance to this property is only 100 feet (the minimum allow) from the intersection of Aquarena Spring Drive, and the driveway entrance on Aquarena Springs Drive is approximately 160 feet from the intersection of Thorpe Lane. The drive-thru has been designed in a manner that would require entrance from Thorpe Lane and Aquarena Springs Drive would be the primary point of exit. The hazardous impact on traffic would be lessened if both of the entrance/exit drives were "right-hand turn only."

The rear of the subject property is adjacent to a multi-family development. This development was originally an apartment complex, but at some point the property was converted into a townhouse/condominium project. The Land Development Code does not require a proposed commercial development to be screened from multi-family use, but does require screening between single-family uses. Considering the nature of the adjacent project and due to the drive-thru being located on the property line, requiring screening as a condition to this request would be appropriate.

The size, shape, existing physical characteristics, and location of this site presents a challenge to the developer. There are many trees on this site, including some large trees which would be difficult to mitigate. The current site design indicates most or all of these trees will be removed. There are many inconsistencies in the Tree Survey, and no tree mitigation plan has been submitted. As currently designed, there doesn't appear to be adequate space to allow for tree mitigation. There are many issues identified in the site plan review process that have not been answered. The site plan review comments from the Permit Center are attached.

The request appears consistent with the character of the area and does not appear to be unreasonable, however as currently designed the proposed development is very tight. The planning staff believes a better layout for this site could be designed.

Staff recommends approval of this request with the following conditions:

- 1. This development meets all the requirement of the Land Development Code, including tree mitigation.**
- 2. Both entrance/exit drives be “right-hand turn only.”**
- 3. A six foot masonry wall is provided as screening between the subject site and the adjacent property.**

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
- The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Attachments:

Location map
Site Plan
Revised Site Plan
Building Floor Plan
Existing Conditions (tree survey)
Plat
Permit Center Review Comments
Photos

Prepared by:

Phil Steed

Planner

January 6, 2011

Name

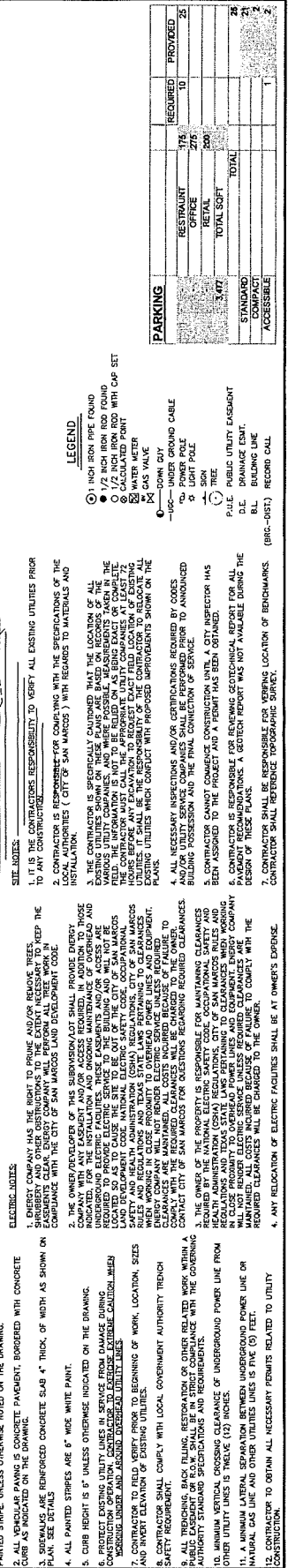
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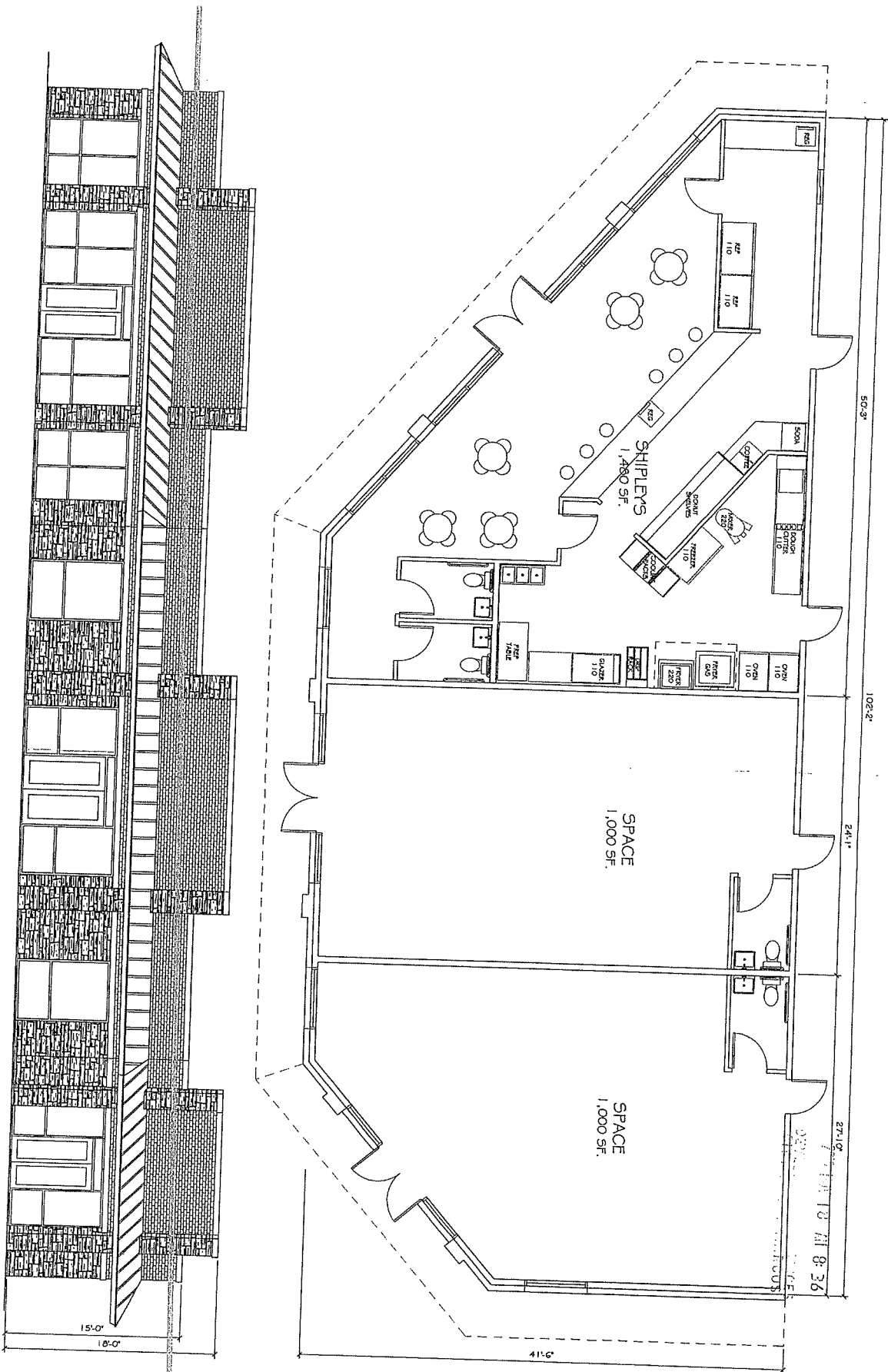
Date

AQUARENA SHIPLEY'S
 1602 AQUARENA SPRINGS DRIVE
 SAN MARCOS, TEXAS

DESIGNED BY: JG	PROJECT: COLUMBIA STREET'S
DRAWING BY: JF	DATE: MAY 2010
CHECKED BY: JF	REVIEWED BY:

~N~ CAD SERVICES
 604 LAKEWAY DRIVE
 GEORGETOWN, TEXAS 78628
 (512) 470-1489





REVIEWS

ARENCO
GROUP

ARCHITECTURE
ENGINEERING
CONSTRUCTION

15401 H 35 SOUTH
SAN MARCOS, TEXAS 78666
OFFICE (512) 396-9595
FAX (512) 396-9595
ARENCOGROUP@YAHOO.COM

SHIPLEY DONUTS
CHHIN LENG
1602 AQUARENA SPRINGS DR.
SAN MARCOS, TEXAS 78666

DESIGN OF BUILDING FOR

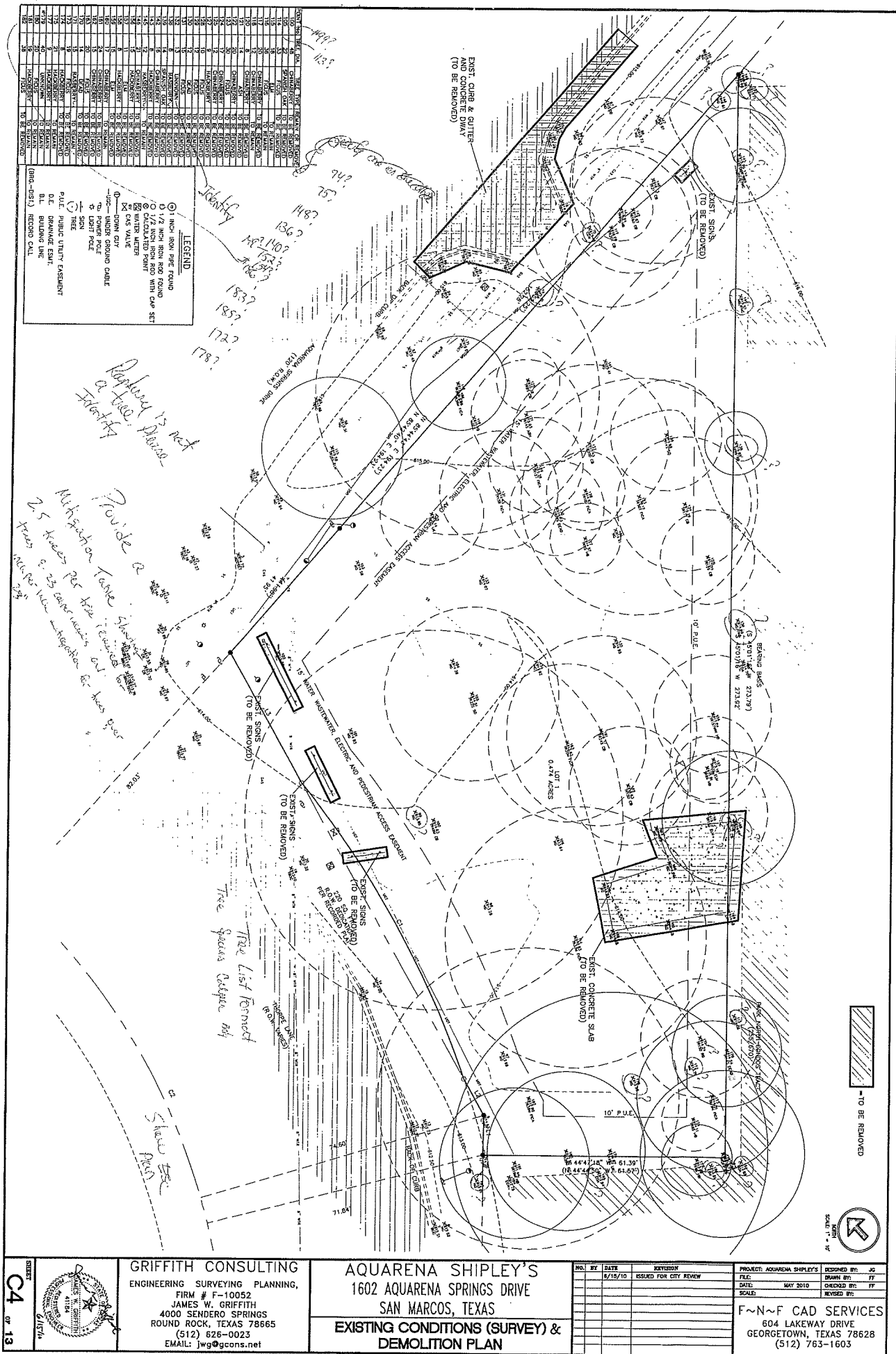
DATE 2-11-10

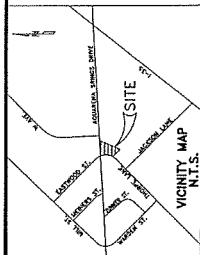
SCALE 1/8"=1'-0"

DESIGN BY

FILE

A.I.O





EXISTING

PROPOSED

SCALE 1" = 30'

- LEGEND
- 1 INCH IRON PIPE FOUND
 - 1/2 INCH IRON PIPE FOUND
 - 1/4 INCH IRON PIPE FOUND
 - CALCULATED POINT
 - EXISTING EASEMENT
 - PROPOSED EASEMENT
 - B.L. BUILDING LINE
 - B.L. RECORD CALL

CURVE TABLE

NUMBER	DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH
C1	N 45°01'16" W	238.20	18.37	18.41
C2	S 21°44'00" W	185.76	14.37	13.90
C3	S 21°44'00" W	185.76	14.37	13.90

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 45°01'16" W	10.00
L2	N 15°43'00" W	10.48
L3	N 15°43'00" E	37.64
L4	N 15°43'16" E	37.64

BEARING BASIS
(S 45°01'16" W 273.79')
S 45°01'16" W 273.92'

0.479 ACRES
(0.4797 ACRES)
AQUARENA RETAIL, LTD.
(3276/7755)

PARK NORTH CONDOS TRACT
(255/670)

LOT 1
0.474 ACRES

PARK NORTH CONDOS TRACT
(255/670)

(0.2703 ACRES)
WAYLAND J. ENDISLEY
CHARLOTTE A. ENDISLEY

SUBDIVISION NOTES

- 1) THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF SAN MARCOS, TEXAS.
- 2) THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE SAN MARCOS INDEPENDENT SCHOOL DISTRICT.
- 3) NO PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.
- 4) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBERS 48209030357, DATED SEPTEMBER 2, 2005, THIS LOT IS LOCATED IN ZONE "X" WHICH IS AN AREA OUTSIDE THE 100 YEAR FLOODPLAIN.
- 5) CONSTRUCTION OF A 5 FOOT SIDEWALK ALONG AQUARENA SPRINGS DRIVE AND THORPE LANE AS REQUIRED BY THE CITY OF SAN MARCOS.
- 6) THIS SUBDIVISION IS SUBJECT TO DRAINAGE AND EROSION CONTROL ORDINANCE OF THE CITY OF SAN MARCOS.

PLAT OF LOT 1 AQUARENA RETAIL SUBDIVISION

STATE OF TEXAS
COUNTY OF HAYS
KNOW ALL MEN BY THESE PRESENTS

That I, Clayton Kluit, agent for Aquarena Retail, Ltd., owner of 0.4797 acres recorded in Volume 3276, Page 755, Official Public Records of Hays County, Texas, do hereby establish and certify that the within and foregoing plat of Lot 1, Aquarena Retail Subdivision, is a true and correct plat of the same, and that the same is subject to the same easements and public places shown on this plat.

Clayton Kluit - agent
Aquarena Retail, Ltd.
2524 Oak Knoll Drive
San Marcos, Texas 78068-1848

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, the undersigned authority, on this day personally appeared Clayton Kluit known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25th day of APRIL, A.D., 2008.

Patricia J. Lacey
NOTARY PUBLIC
STATE OF TEXAS

STATE OF TEXAS
COUNTY OF HAYS

CITY OF SAN MARCOS

CERTIFICATE OF APPROVAL
APPROVED AND AUTHORIZED TO BE RECORDED ON MAY 24, 2008 BY THE DIRECTOR OF PLANNING OF THE CITY OF SAN MARCOS, TEXAS.

Clayton Kluit for
AQUARENA RETAIL, LTD.
DATE 4/25/08

Patricia J. Lacey
NOTARY PUBLIC
STATE OF TEXAS

STATE OF TEXAS
COUNTY OF HAYS

I, Shawn T. Ash, a Registered Professional Land Surveyor in the State of Texas, hereby certify that I am the duly qualified and licensed surveyor who prepared and placed on the property under my supervision, on the ground and that corner monuments were properly placed under my supervision.



Shawn T. Ash
Registered Professional Land Surveyor
State of Texas, No. 5687

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, the undersigned authority, on this day personally appeared Shawn T. Ash known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25th day of APRIL, A.D., 2008.

Patricia J. Lacey
NOTARY PUBLIC
STATE OF TEXAS

STATE OF TEXAS
COUNTY OF HAYS

CITY OF SAN MARCOS

I, Linda Fritzsche, County Clerk of Hays County, Texas, certify that this plat was filed for record in the Public Records of Hays County, Texas, on the 25th day of April, 2008 at 11:56 a.m., in the Plat Records of Hays County, Texas, in Volume 17, Page 31.

PLAT OF LOT 1

Linda Fritzsche
COUNTY CLERK
HAYS COUNTY, TEXAS

surveying and mapping
ASH & ASSOCIATES
SAN MARCOS, TEXAS 78068
P.O. BOX 361-100
PHONE (512) 391-1718
FAX (512) 391-1719

PROJECT No. 08-2160
DRAWING TITLE SCALE 1"=30'
REVIEWED DATE 04/23/08
SHEET No. 1 OF 1

Review Comments

CSPP-10-02464

Aquarena Shipley's
1602 Aquarena Springs DR

October 14, 2010

<u>AGENCY</u>	<u>ACTION</u>	<u>DATE OF ACTION</u>	<u>REVIEWED BY</u>	<u>COMMENTS</u>
Engineering - K. Woodlee Engineering - T. Alvelo	Reviewed	10/20/10 10/20/10	Alvelo_Teresa Alvelo_Teresa	See Talvelo comments. 1. Cover Sheet: Add responsibility note. Please include sheet SP1.0 in the plan set, as specified in the Sheet Index. 2. C2: Provide the latest Construction Notes found at the Permit Center web page. 3. C4: There are many Tree Survey inconsistencies. Please see the red-line for specifics. Also, on sheet C5, many trees do not appear to meet preservation criteria. Please re-design to bring the proposed plans into compliance per LDC Sections 5.5.2.2 (b)(c)(d), and 6.1.1.5 (d) (e). Revise the Tree List(s) and Tree Survey throughout the plan set as appropriate. For trees that cannot be brought into compliance, show as "removed" and mitigate, or provide a Tree Preservation Report from a certified arborist indicating that the proposed plan will not adversely affect "preserved" trees. Adjust tree protection fencing as specified on C5 red-line. 4. C4: Some of the negatively-affected trees are located on adjacent property. Please provide written, signed acknowledgement(s) from those property owners that they acknowledge and approve of the final proposed plans. "Raspberry" is not a tree. Please provide the botanical name for these trees. Verify the "Ficus" species. Identify tree no. 132 species. Show ESC plan on this sheet to accommodate demolition activities. 5. C7: Provide a Fixture calc table that references AWWA or IPC standards. Show existing and proposed

Review Comments

<u>AGENCY</u>	<u>ACTION</u>	<u>DATE OF ACTION</u>	<u>REVIEWED BY</u>	<u>COMMENTS</u>
				meters and bfps. Include sizes. Show cleanouts and samples ports. Provide COSM standard detail in the plan set. Add the red-lined notes.
				6. C8: Remove specified notations, as they are not applicable.
				7. C9: Show 5'-wide sidewalks. Provide a scale. Show proposed "preserved" trees. Provide copy(ies) of applicable TxDot permit(s).
				8. C10: Show 100-year emergency overflow plan. Provide specifics for point discharge in order to prevent storm-event erosion. Address various red-lined items for clarification.
				9. C11, C12, and C13: Remove all non-applicable details. Update all applicable details, as provided on the Permit Center website.
Fire - G. Watt	Reviewed	10/21/10	GWatt	Provide current edition of COSM construction rules (9/16/10). Available at http://www.sanmarcostx.gov/departments/marshals/docs/construction_notes.pdf
				Fire hydrants capable of producing the required fire flow (based on square footage and construction classification) must be located to within 500 feet of all portions of the exterior of the building, using approved accessible roadways for measurement.
				Fire department accessways are not required. If provided, the radii shown do not comply with city standards.
				Provide current COSM details
Gen. Serv. - B. E. Cochran PUBLIC WORKS - J Shroyer	Reviewed	10/29/10	j.c.s.	10/29/10 no comment

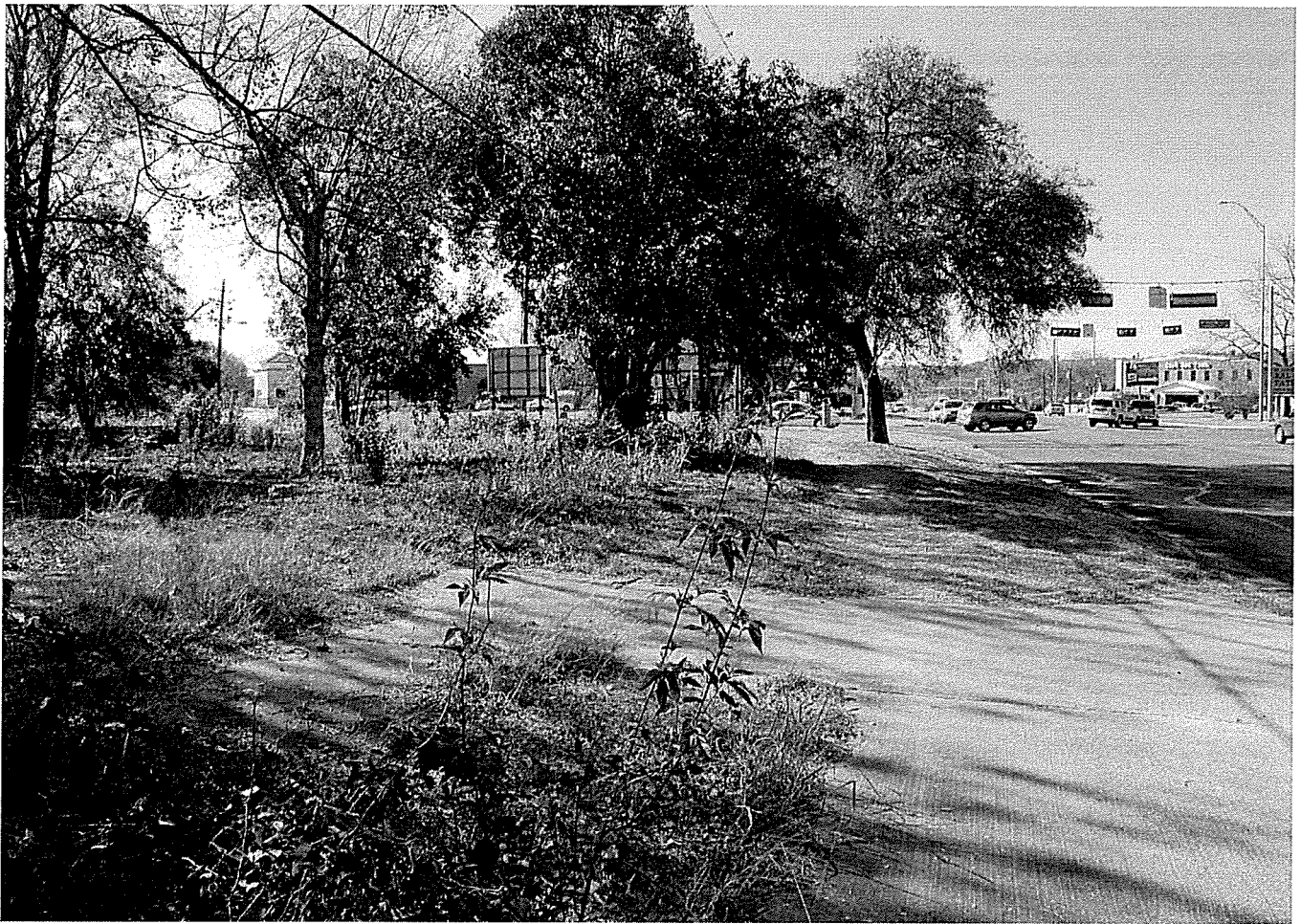
Review Comments

<u>AGENCY</u>	<u>ACTION</u>	<u>DATE OF ACTION</u>	<u>REVIEWED BY</u>	<u>COMMENTS</u>
PUBLIC WORKS - S Wolfshohl PW - C. Gonzales Planning - A. Gillfillan	Reviewed	10/29/10	j.c.s.	10/29/10 no comment.
	Reviewed	10/22/10	Gillfillan_Abigail	<p>1) Plat requires 5' Sidewalks</p> <p>2) A Conditional Use Permit is required for a Drive-thru in a CC zoning District</p> <p>3) Provide a mitigation table separate from the landscaping table. Mitigation is 2.5 trees per tree removed for trees between 9 and 23 caliper inches and caliper per caliper for trees 24 inches or greater.</p> <p>4) Provide a landscape table showing required tress and shrubs and provided trees and shrubs</p> <p>5) Provide a parking calculation table showing the proposed uses and required and provided spaces</p> <p>6) A drivethru requires the drive lane plus an 11 foot escape lane. Show these on the plan</p> <p>7) Show six 8 by 20 foot stacking spaces for the drive-thru</p> <p>8) Light can't be distributed past the lot line greater than .25fc</p> <p>9) Show the dumpsters and their screening</p>
SMEU - R. LaCaze	See Notes	10/15/10	MW/RR	10-15-10-SMEU-MW/RR-contact SMEU for electrical costs and layout. need additional info. for electrical design.
WWW Utilities - J. Klein	See Notes	10/28/10	JK	<p>NEED FLOW FOR EACH ZONE</p> <p>NEED DESIGN PRESSURE</p> <p>SHOW ALL COMPONENTS (PIPE, HEADS, DRIP ZONES)</p> <p>NEED SIZE OF IRRIGATION METER</p> <p>NEED BRAND/MODEL OF DRIPLINE (IF CONTAINS</p>

date 10/29/10

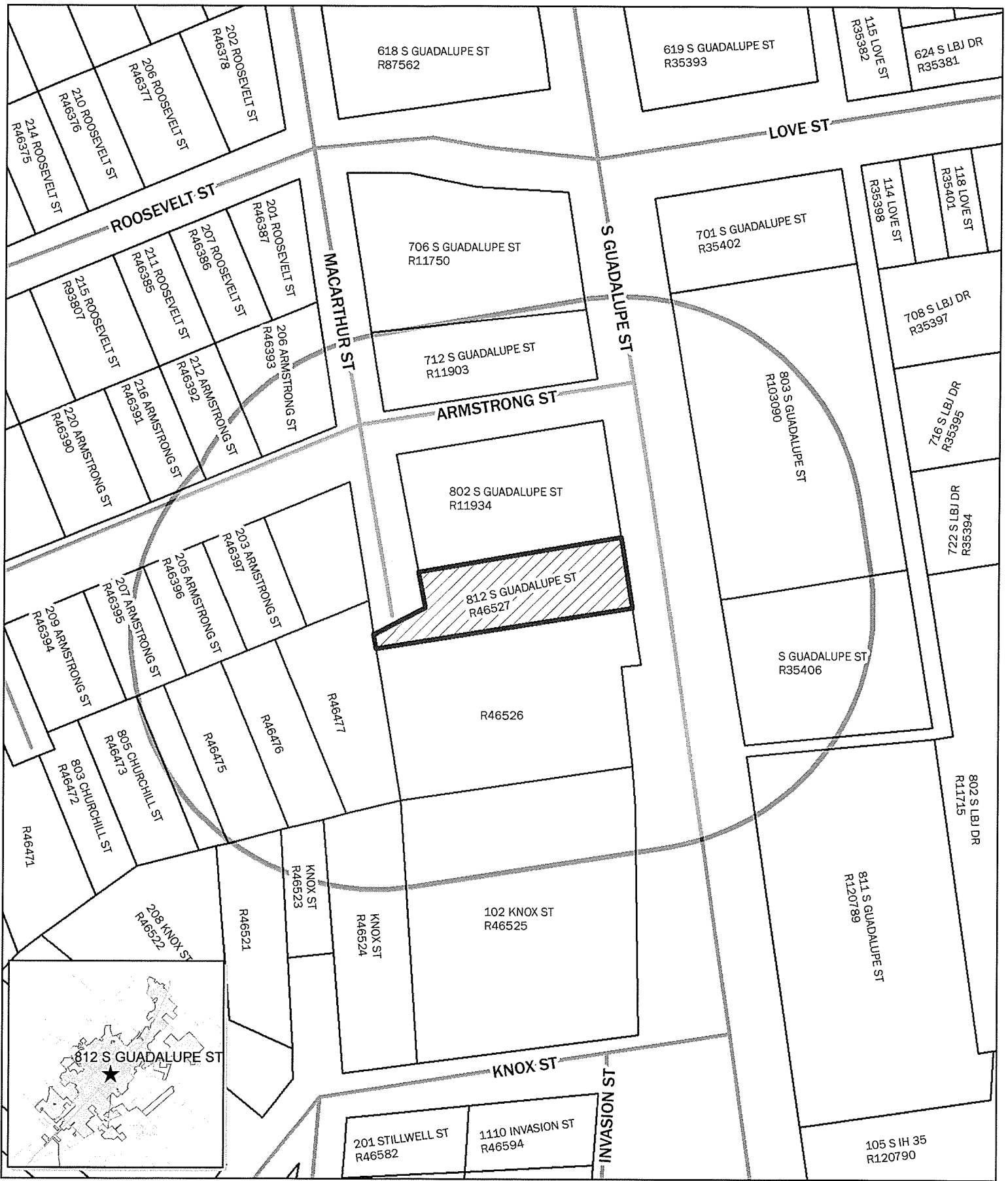
Review Comments

<u>AGENCY</u>	<u>ACTION</u>	<u>DATE OF ACTION</u>	<u>REVIEWED BY</u>	<u>COMMENTS</u>
WWW Utilities - S. O'Donnell Water Dist. - L. Juarez Water Dist. - T. Salinas Water Qual Serv - E. Sprencel	Reviewed	10/27/10	Lynn Barrett per TS	CHEMICAL ADDITIVE WILL NEED TO USE RPZ INSTEAD OF DCA) Install doublecheck BVP @meter Install Customer Valve between BFP @ Meter





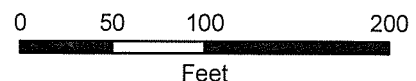




CUP-10-34
Wok & Roll Restaurant
812 S. Guadalupe
Map Date: 12/30/10

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



**Conditional Use Permit
CUP-10-34
Wok & Roll
812 S. Guadalupe**



Applicant Information:

Applicant: Choon Kwee E, Johnny Lu, Mei Wan Wai
205 Wild Plum
San Marcos TX 78666

Property Owner: George Forrester
812 S. Guadalupe
San Marcos TX 78666

Applicant Request: A Conditional Use Permit (CUP) to allow on-premise consumption of beer and wine.

Notification: Public hearing notification mailed on December 30, 2010.

Response: None as of January 4, 2010

Subject Property:

Location: 812 S. Guadalupe

Legal Description: Victory Gardens #2, ½ of block 31

Frontage On: Guadalupe

Neighborhood: Victory Gardens

Existing Zoning: CC – Community Commercial

Master Plan Land Use: Commercial

Sector: Sector 4

Existing Utilities: Adequate

Existing Use of Property: Vacant (previously a restaurant)

Proposed Use of Property: Restaurant

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	CC-Community Commercial	Sonic
S of Property	GC-General Commercial	Commercial
E of Property	CC-Community Commercial	Auto Parts
W of Property	CC-Community Commercial SF-4.5	Vacant Single-family residential

Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

This location is outside the CBA, and is not subject to the additional requirements in the CBA.

Case Summary

The subject property is located on the west side of Guadalupe just south of Armstrong. The proposal includes: business hours from 11 a.m. to 10 p.m., no live music, and 75 fixed seats. A menu provided with the request shows a variety of food and beverages served.

Comments from Other Departments:

The Health Department stated that they would need to give final approval of permits. Police, Fire, Engineering, and Building have not reported concerns.

Planning Department Analysis:

The proposed restaurant is located in an existing strip center. Only interior finish out work is proposed at this time. The site was previously Hong Kong Restaurant, and maintained a CUP to allow alcoholic beverage sales for a number of years.

The site is located within both Sector 4 and the Downtown Master Plan area. The Sector 4 plan calls for commercial uses including restaurants to be located along Guadalupe Street, and the request is consistent with the Downtown Master Plan goal of creating "third places."

A site visit showed that there is currently a temporary sign that appears to be in the right-of-way. The Permit Center has no record of a temporary sign information sheet. Staff recommends that the owner fill out the information sheet and comply with all other requirements of the Land Development Code with regard to temporary signage.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following conditions:

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. The applicant shall submit plans and receive all required permits from the Health Department.**
- 3. The applicant shall submit a temporary sign information sheet and comply with all other requirements of the Land Development Code with regard to temporary signage.**

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

John Foreman

Planner

January 4, 2010

Name

Title

Date

residence
Fences

MacArthur St

SoMe.

Fences

Wok & Roll restaurant
(soon to be)

(Lawyer office)
Empty store
coming soon.

Sassy Nails

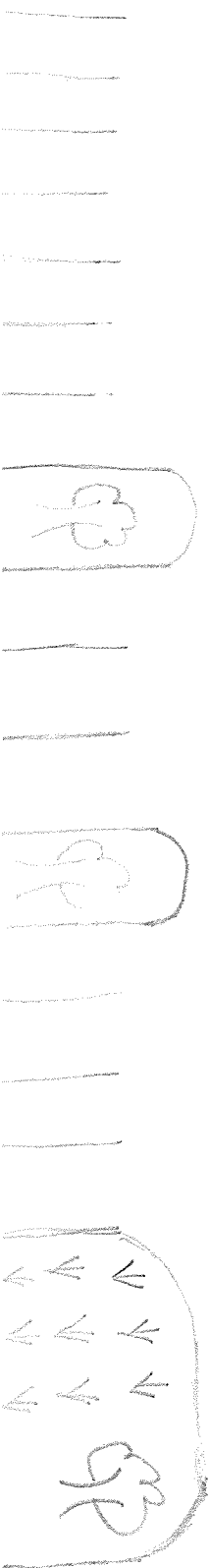
Patio

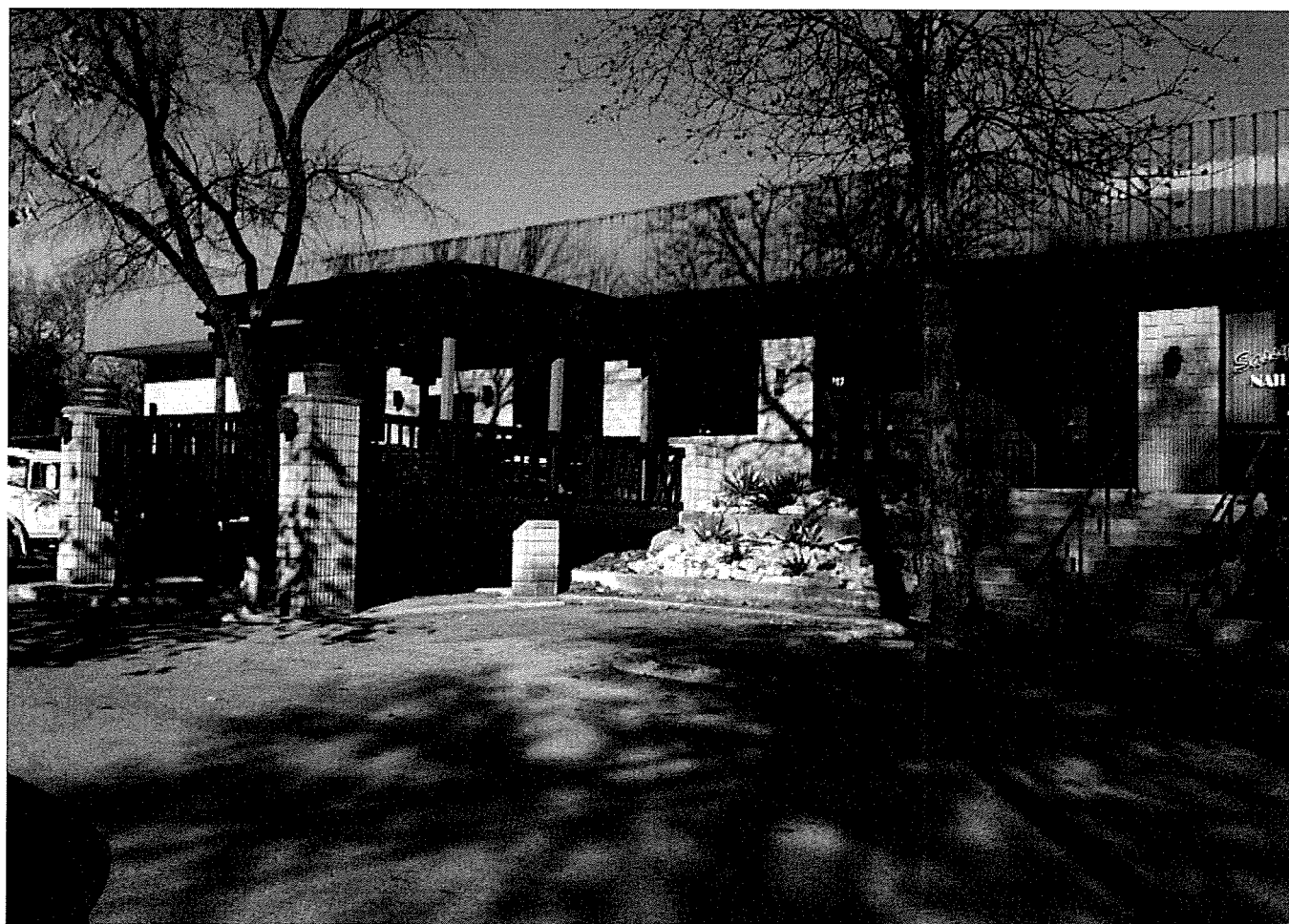
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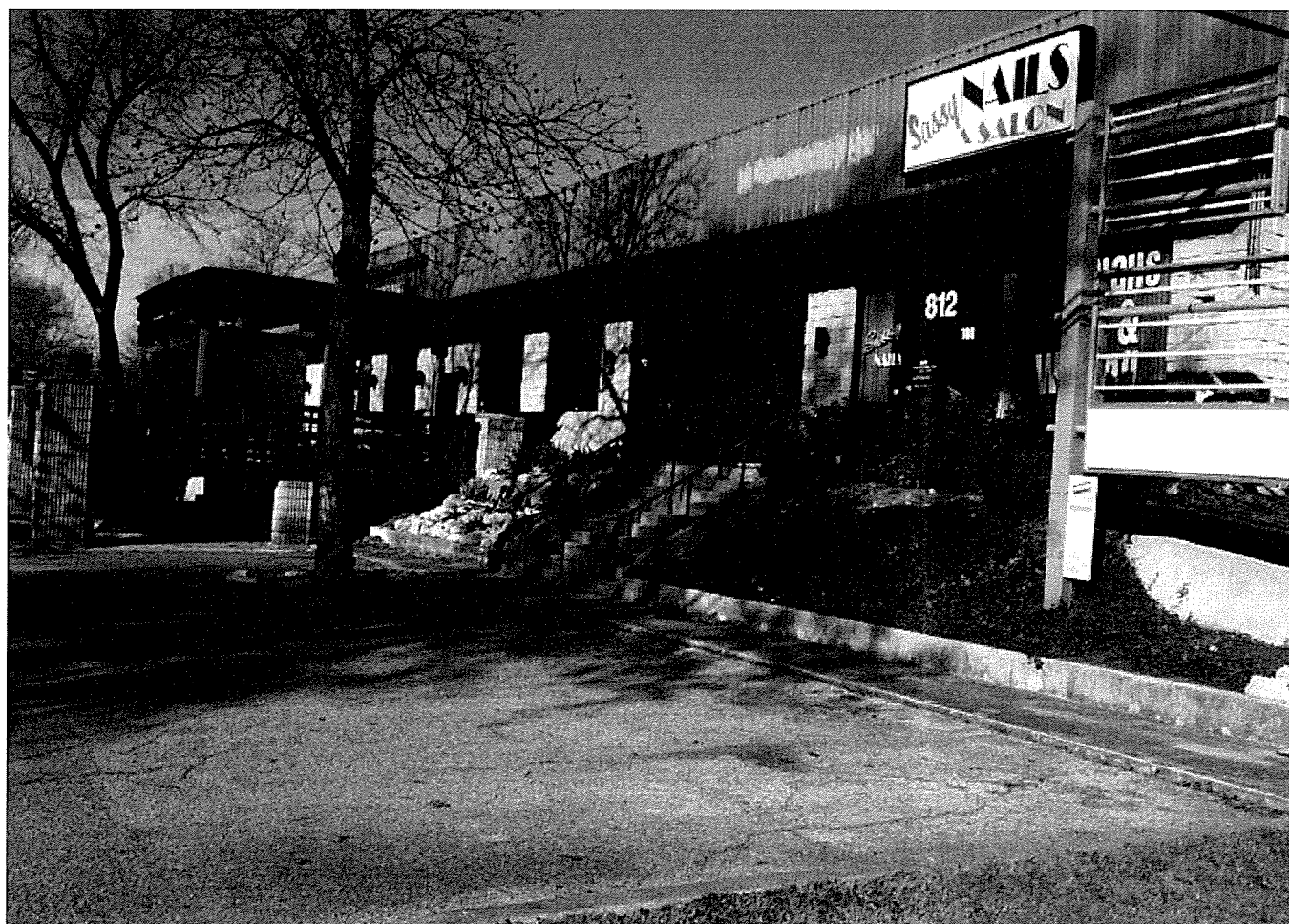
Sign

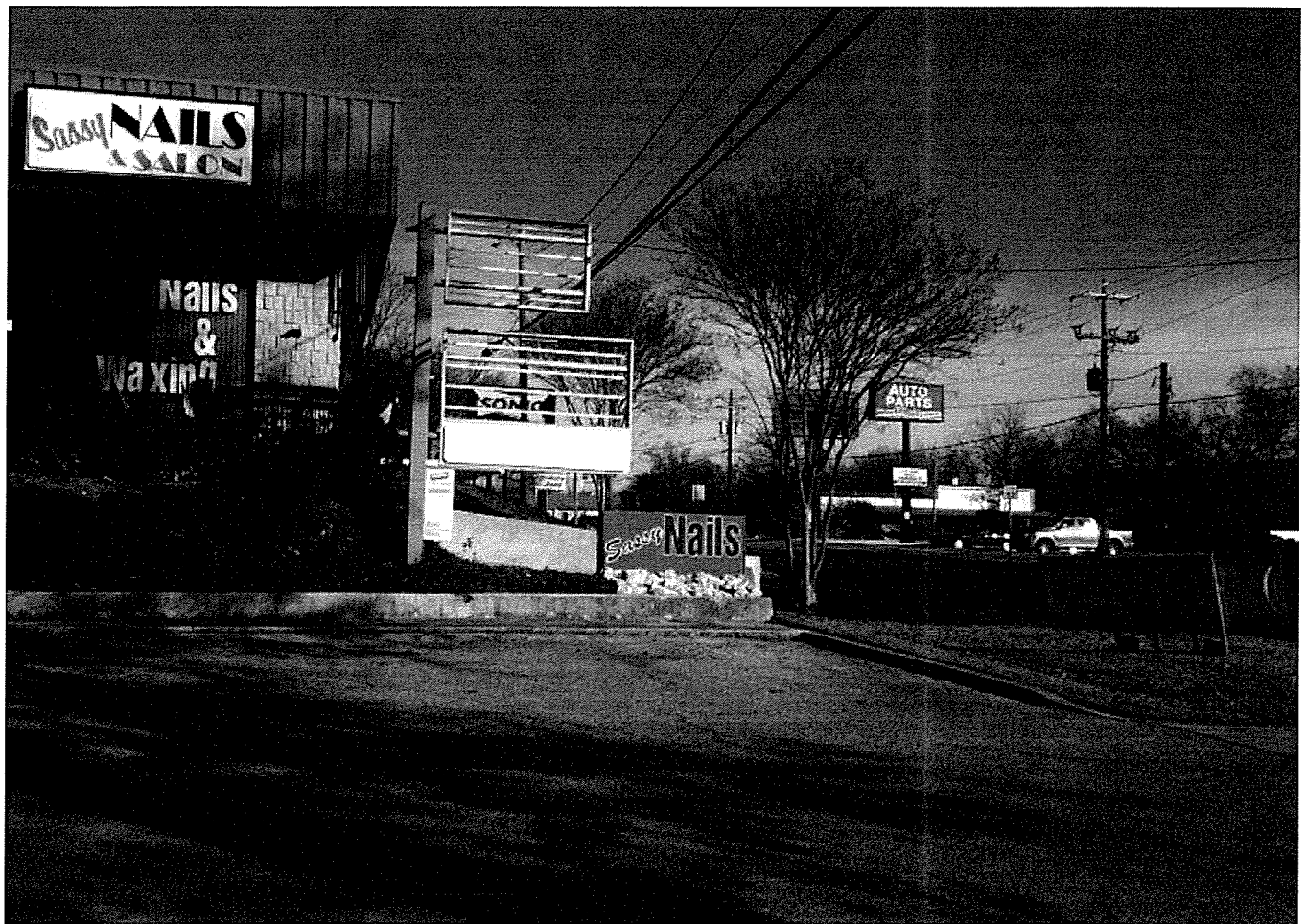


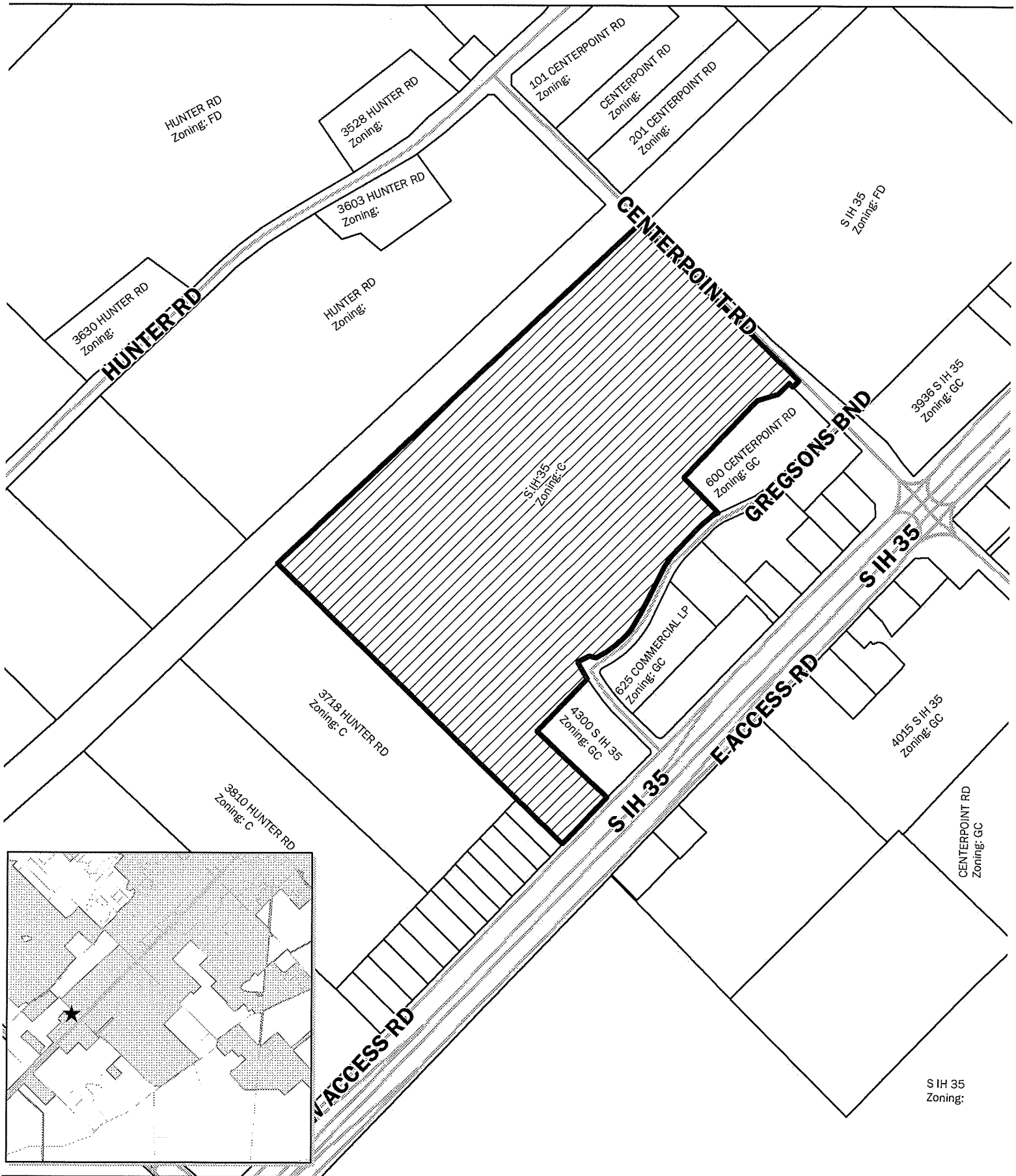
South Guadalupe St











WPP2-10-0003
Lowman Ranch
Map Date: 01/04/11

 Site Location

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



0 312.5 625 1,250
Feet

Report for Qualified Watershed Protection Plan Phase 2 WPP2-10-0003



Applicant Information:

Engineer: Byrn & Associates, Inc.

Property Owner: Outlet West Investors

Applicant's Request: Reclamation of land within the existing 100-year floodplain
Channelization of floodway and floodplain
Impact to and mitigation of wetlands

Public Hearing Notice: December 26, 2010

Location: Southwest Corner of Centerpoint Road and IH 35

Legal Description: 102.34 acres in the Edward Burleson Survey No. 18, Abstract 63, Hays Co., T.

Frontage On: Centerpoint Road and IH 35

Existing Zoning: Portion within City limits is General Commercial, Portion in ETJ Future Land Use is Commercial

Future Land Use Map: Commercial

Sector: 4

Existing Use of Property: Undeveloped

Proposed Use of Property: Lowman Ranch Subdivision – Plan to subdivide property for commercial lots

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	FD	Undeveloped
S of Property	ETJ – FLU is Commercial	Undeveloped
E of Property	GC	Retail, Hotel, Undeveloped
W of Property	GC	Undeveloped

Engineering Analysis :

The applicant is requesting approval of a Qualified Watershed Protection Plan, Phase 2 (QWPP2) based upon reclamation of land within the 100-year floodplain of Cottonwood Creek within the Outlet West Subdivision (also known as Lowman Ranch). A sizeable portion of the site is currently within the floodplain. Most of the floodplain encumbering the site is not mapped by FEMA, but is subject to compliance with the City's reclamation standards by virtue of the contributing drainage basin to the creek exceeding 120 acres.

In addition to reclamation of acreage within the floodplain, the applicant is seeking approval to reclaim areas found to be jurisdictional waters of the United States, or wetlands, based on appropriate mitigation measures. To this end, the developer has presented a Mitigation Plan approved by the US Army Corps of Engineers.

Elements of this QWPP2 include the channelization of the creek designed to safely convey the 100-year flow and provide a 130-foot wide greenbelt, as well as construction of a single regional detention basin to attenuate and provide quality for stormwater runoff from lots included in Phase 1 of the subdivision. Plans include a constructed wetland area within the basin. The detention basin is not within a floodplain (neither FEMA mapped nor non-FEMA mapped) however, construction of a wetland area in the basin serves as partial mitigation for the future ultimate disturbance of existing wetlands in Phase 2 of the development. Proposed reclamation includes placing fill material outside the rechanneled creek in preparation for commercial development.

In order to relocate and channelize the portion of the floodplain mapped by FEMA, a Conditional Letter of Map Revision (CLOMR) was prepared by the applicant and accepted by FEMA. Once the floodplain is modified appropriately, a Letter of Map Revision (LOMR) will be processed through FEMA and the Flood Insurance Rate Map (FIRM) will be revised.

Based upon the engineering review of this Qualified Watershed Protection Plan, Phase 2, it meets the applicable technical requirements of Chapter 5 of the Land Development Code.

Development Services Engineering Recommendation	
	Approve as submitted
X	Approve with conditions as noted
	Alternative
	Denial

Conditions recommended for approval: Upon completion of construction of the channel, fill, and detention pond, the Developer shall execute and have recorded with County Property Records a Drainage Easement and Detention Pond Agreement acceptable to the City. The Developer shall adhere to all requirements of that document, including maintenance by the property owner, and all requirements of the Mitigation Plan authorized by the USACOE.

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed Qualified Watershed Protection Plan, Phase 2. After considering the public input, the Commission, following the recommendation of the City Engineer, is charged with approving, conditionally approving, or denying the request.

The criteria for evaluating a request for a Qualified Watershed Protection Plan 2 is:

- (1) Reclaimed land - factors. For developments where reclamation of land within the 100-year floodplain is proposed:
 - a. Whether the Reclamation Concept Plan (which is an element of both phases of the Watershed Protection Plan when reclamation is proposed) is consistent with approved legislative applications for the land subject to the plan, including expressly any master drainage plan elements applicable to the land;
 - b. Whether the Reclamation Concept Plan (which is an element of both phases of the Watershed Protection Plan when reclamation is proposed) meets the general standards in Chapter 5, Article 1, and the specific criteria in Chapter 5, Article 4, Division 2; and

c. Whether any adverse impacts have been appropriately mitigated.

The Commission's action on the Qualified Watershed Protection Plan, Phase 2 may be appealed to the City Council.

List of Attachments:

- Lowman Ranch Commercial Subdivision Mitigation Plan, dated January 21, 2008, Prepared by Horizon Environmental Services
- Army Corps of Engineers Authorization, dated July 3, 2008
- Exhibits 1, 2, and 4 of CLOMR Request, dated January 2010, and Attachment 6 of CLOMR Request Comment Response No. 1, dated May 2010, both prepared by Espey Consultants, Inc.
- Letter of CLOMR Approval from FEMA, dated July 1, 2010
- Sheets from Watershed Protection Plan Phase 2 for the Lowman Ranch Subdivision, dated October 2010
- Draft Drainage Easement and Detention Pond Agreement

Prepared by:

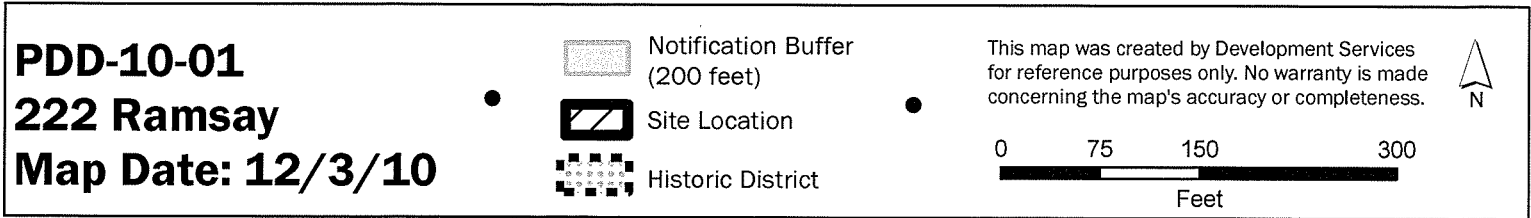
Kathryn Woodlee

Kathryn Woodlee, PE, CFM

Name

Senior Engineer, Permit Center Manager

Title



Planned Development District

PDD-10-01

222 Ramsay



Summary:

Applicant: Iconic Development
222 Ramsay
San Marcos, Texas 78666

Property Owner: San Marcos Green Investors
3100 Corbin Lane
Austin, Texas 78704

Notification: Public hearing notification mailed on December 3, 2010.

Response: None as of December 6, 2010

Property/Area Profile:

Legal Description: Thomas J. Chambers Survey Tract 277 & A0002 Thomas J. Chambers Survey- 3.86 acres

Location: 222 Ramsay (approximately .34 miles from the Texas State University campus)

Existing Use of Property: Apartments

Proposed Use of Property: Apartments-The owner is seeking approval to convert twelve breezeways with storage rooms into six three-bedroom apartments.

Future Land Use Map: High Density Residential

Existing Zoning: MF-24 (Multi-Family Residential)

Proposed Zoning: PDD with an MF-24 overlay

Sector: Sector 3

Utilities: Water capacity is sufficient for the proposed development however currently there appears to be a "choke point" in the wastewater line that services the subject property. This could potentially cause a temporary delay in sewer availability. However the proposed Sink Creek Interceptor, projected completion in 2012, will help alleviate the waste water challenges in this area of the City.

Area Land Use Pattern: As is evident in the zoning and usage of the surrounding properties the subject neighborhood is mostly made of multi-family apartments with a mixture of duplex and single-family home rentals fronting on Mandalay St.

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	SF-6	undeveloped	Low Density Residential
S of Property	MU and MF-24	Rental house and apartment complex	Mixed Use and High Density Residential
E of Property	MF-24, D, SF-6	Apartment complex, duplexes, and single-family homes	High Density Residential and Low Density Residential
W of Property	MF-24 and MF-18	Apartment complex	High Density Residential

Project overview

The subject property is located at the intersection of Clark and Ramsay streets, approximately .34 miles from the Texas State University campus. The property is approximately 3.86 acres in size and contains approximately 108 units. The apartment complex was built in 1975, at a time when the zoning in place allowed for up to 40 units an acre. As a result, the site is currently built to a density of 28 units per acre. Because the site exceeds the permitted density of 24 units per acre the site is considered a legal non-conforming use.

This request for a PDD overlay differs from the typical PDD submittals the Planning and Zoning Commission is accustomed to reviewing. The applicant is not proposing to redevelop the site by tearing down the existing buildings and rebuilding a new multi-family development. Rather the applicant is proposing to renovate the existing buildings to accommodate for 6 additional units. The proposed improvements to the site would include the renovation of twelve existing breezeways into six- three bedroom apartments. The renovation of existing breezeways into apartment units would bring the total unit count to 114 with an overall site density of 30 units per acre. Since we do not currently have a zoning designation in place that allows for more than 24 units per acre the only means of requesting an increase in density is by requesting a zoning designation of PDD.

At the December 14th Planning and Zoning Commission meeting the Commission held a public hearing and requested the following:

- The public hearing be extended to the 1/11/11 Planning and Zoning Commission meeting to allow for any additional public comment.
- Staff review the parking conditions on the site. In response to the request staff has added a requirement to the PDD for the applicant to provide a parking analysis at the time a building permit application is submitted for the improvements described in the PDD.

Planning Department Analysis

The purpose of a petition for a PDD district is allow flexibility in development and encourage the use of innovative site planning techniques resulting in high-quality developments with improved design and character. Additionally, a PDD allows for the establishment of dimensional and use requirements unique to the site. The proposed PDD establishes the following development standards:

Density

- A base zoning designation of MF-24 with an overall site density of 30 units per acre rather than 24 units per acre.

Site Improvements

- Bike parking in the amount of 10% of automobile parking will be provided on site
- Relocation of dumpsters from in front of front façade of buildings
- Reclassification of parking along Clark Street to compact parking (shown in exhibit a)
- Widening of sidewalk along Clark Street to 4' to be built to City of San Marcos standards

Water Quality

- Cut 1' breaks into the existing vegetative aisles along all parking lots to allow for increased site drainage
- Create a rain garden in the areas shown in Exhibit B, C and D to allow for increased treatment of storm water runoff.
- Install rain water collection systems in each of the building courtyards to provide irrigation to the courtyard gardens.

The approval of the PDD will provide student housing in a location that is within walking and biking distance of the university, therefore reducing urban sprawl and its associated traffic issues. The PDD is consistent with the following goals of the Horizons Master Plan and Sector Plan:

- **Sector 3 Plan goal** - High Density residential land uses shall be clustered in the N. LBJ Drive and Chestnut Street area near Texas State University.
- **Sector 3 Plan goal**- "Neighborhood friendly" development mitigating negative impacts of higher intensity uses
- **Policy LU 4.2**- The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.
- **Policy LU-4.3**: The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate the traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.
- **Policy LU-3.1**: The City shall develop the residential areas of San Marcos according to the Future Land Use Plan so that future growth can be accommodated, a mixture of housing types and densities can be provided, and adverse impacts from traffic, environmental hazards and incompatible land uses can be avoided.

Staff has reviewed the request and is recommending **APPROVAL** of the request based on the following findings:

- The request for a PDD would facilitate the opportunity for infill development without an increase to impervious cover to the site.
- Due to the location of the subject property in the Upper San Marcos River Watershed the inclusion of rain gardens as a water quality measure allows for increased treatment of storm water runoff.
- As indicated above there appears to be a "choke point" in the wastewater line that services the subject property. This could potentially cause a temporary delay in the development of this property until sewer availability is demonstrated. The applicant is aware of the wastewater challenges this portion of the city is experiencing and understands that the certificate of

occupancy for any new units will not be released until adequate waste water capacity is available.

- Due to the age of the development the subject property does not incorporate a mixture of uses or architecture/ site layout components that are typically considered good planning practices. However the improvements that have been made to the site and are planned for the site through the proposed PDD development standards do support community building, sustainable building practices, alternative transportation options, utilization of existing infrastructure and (BMPs) best management practices.

Urban sprawl is still the most common growth pattern seen in the United States and it is one that San Marcos is very familiar with. Unfortunately, the sprawl growth pattern is not sustainable and though it often creates affordable residences it is the least affordable for a municipality to maintain. The effects of sprawl extend past environmental concerns, the cost of maintenance of infrastructure, emergency services and even medical costs increase as a result of the sprawling development that is automobile centered development.

As is evident in the number of rezoning request that the Planning and Zoning Commission has seen in this sector of the City more and more developers are seeking to redevelop or develop for the first time sites within walking distance to campus. This sector of the City is currently experiencing a transition from what was once a mixture of residential uses to multi-family development. While staff believes that this request sets a good example for revitalizing and utilizing existing development to its highest and best use it is important for the Planning and Zoning Commission to discuss the long range benefits and challenges associated with increased density in this area.

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision. Section 1.5.3.5 of the Land Development Code establishes the following criteria for approval:

- (1) The extent to which the land covered by the proposed PD district fits one or more of the special circumstances in Section 4.2.6.1 warranting a PD district classification.
- (2) The extent to which the proposed PD district furthers the policies of the Master Plan generally, and for the sector in which the proposed PD district is located.
- (3) The extent to which the proposed PD district will result in a superior development than could be achieved through conventional zoning classifications.
- (4) The extent to which the proposed PD district will resolve or mitigate any compatibility issues with surrounding development.
- (5) The extent to which the PD district is generally consistent with the criteria for approval of a watershed plan for land within the district.
- (6) The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses;
- (7) The extent to which the proposed development is consistent with adopted master facilities plans, including without limitation the water facilities, master wastewater facilities, transportation, drainage and other master facilities plans; and

- (8) The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.
- (b) *Conditions.* The Planning and Zoning Commission may recommend and the Council may impose such conditions to the PD district regulations and Concept Plan as are necessary to assure that the purpose of the PD district is implemented.

List of Attachments:

Area zoning map
Application
Survey

Prepared by:

Sofia Nelson

Senior Planner

January 7, 2011

Name

Title

Date

City of San Marcos
PLANNED DEVELOPMENT DISTRICT
ZONING / LAND USE PLAN / WRITTEN DEVELOPMENT STANDARDS

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>	<u>CONSULTANT</u>
Name:	ICONIC DEVELOPMENT	SAN MARCOS GREEN INVESTORS	
Mailing Address:	222 RAMSAY	3100 CORBIN LANE	
	SAN MARCOS, TX 78666	Austin, TX 78704	
Telephone No.:	708.421.9335	512.799.1125	
E-mail address:	pat@iconicdevelopment.com		

PROPERTY DESCRIPTION:

Street: RAMSAY Address No.: 222

Legal Description (if platted): Thomas J. Chambers Survey Tract 277 1/2 AAA

Proposed Subdivision Name (if not platted): N/A Chambers Survey 1.82

* a metes and bounds description is required if property is a partial lot or is not platted

Appraisal District Tax ID No.: R 10383 + R10384 Acres: 3.84

Current Master Plan Land Use Designation(s): MF-24 (HDR)

Property is located in: ☒ City Limits ☐ ETJ (County) _____
☐ San Marcos River Corridor ☐ Edwards Aquifer Recharge Zone

Total Land Area Within 100-Year Floodplain, if any N/A(0) Acre(s)

Lien Holder(s) - for notification purposes:

Name: N/A

Mailing Address: _____

(If more than one lien holder, please provide information on a separate page)

A certificate of no tax delinquency must be attached to this application

CITY OF SAN MARCOS
 7/20/07 2:11:58 PM

PROPOSED DEVELOPMENT:

Proposed New Base Zoning Classification: MF-24

Proposed New Master Plan Land Use Designation(s), if any: MF-24 with variance HDR

Proposed Use(s) of Land and Buildings:

SEE ATTACHED

Number of Lots: 2

Residential Density: 29.8 (Units/Acre)

Total Number of Dwelling Units, if any: 114

Total Land Area Allocated to Non-Residential Use, if any: 0 Acre(s)

SUBMITTAL REQUIREMENTS:

- Application Fee of \$25 per acre (\$1,500 maximum) payable to the City of San Marcos.
- Name(s) and Mailing Address(es) of Property Lien-Holder(s), if any.
- If not platted, a metes and bounds legal description of the property.
- One Reproducible or 15 Non-Reproducible Copies of the proposed Land Use Plan.
- Written Development Standards
- If in the San Marcos River Corridor, an SMRC Development Application, if not incorporated in the PDD Development Plan, a separate SMRC site Plan.

10/20 Applicant will email metes & bounds description

I certify the preceding information is complete and accurate. If I am not the property owner of record, or if the applicant is an organization or business entity, I hereby affirm that I have been authorized to represent the owner, organization, or business in this application.

Signature: _____

Date: 10/15/10

Printed Name: _____

Patrick Biernacki

To be completed by Staff:

Meeting Date: DEC. 14, 2010

Application Deadline: 11/16/10

Accepted By: Sofia Nelson

Date: 10/20/10

PLANNED DEVELOPMENT DISTRICT

Development Information

Property Name: Iconic Village Apartments

Developer: Iconic Development
Attn: Pat Biernacki
820 Davis Street
Suite 420
Evanston, IL 60201
Phone: 708.421.9335

Property Owner: San Marcos Green Investors LLC
Attn: Matt Goebel
3100 Corbin Lane
Austin, TX 78704
Phone: 512.799.1125

Property: The 3.82 acre tract of land located at 222 Ramsay

Purpose and Intent

Iconic Development is seeking the city's approval to convert twelve (12) existing storage closets (each 19'10" X 31'0") into six (6) 1,200SF leasable three-bedroom apartments at an existing multi-family complex, increasing the property's unit count from 108 to 114.

The parking and unit density requirements under the current zoning are restrictive, outdated, and incongruent with the city's stated goals (in the Master Plan and Campus Edge Strategic Plan) of fostering higher density and reduced traffic in the university and downtown neighborhoods. The unfortunate result is that students have relatively few options for places to live in the immediate campus area and are forced into the peripheral.

<u>The Meadows (Current)</u>	
Address:	222 N. Ramsay
Parcel #'s:	R10383 & R10384
Miles to TSU:	0.34 Miles
Year Built:	1975
# Units:	108
# Bedrooms:	192
Parking:	179 Spaces
Rentable SF:	77,280 SF
Acreage:	3.87 Acres
Zoning:	MF-24
Occupancy:	100%

<u>The Meadows (Proposed)</u>	
Address:	222 N. Ramsay
Parcel #'s:	R10383 & R10384
Miles to TSU:	0.34 Miles
Year Built:	1975
# Units:	114
# Bedrooms:	210
Parking:	179 Spaces
Rentable SF:	85,488 SF
Acreage:	3.87 Acres
Zoning:	MF-24 w/ variance
Occupancy:	100% (projected)

The conversion of these twelve storage units into apartments will serve to:

- Alleviate the current supply/demand gap in the North LBJ Submarket
- Meet the growth needs of Texas State University
- Reduce auto traffic to-and-from the university and downtown
- Provide increased density without the waste created during ground-up construction

Based on the strong demand (evident by the approximate 98% occupancy rate of properties in the North LBJ Dr neighborhood) for apartment housing close to the University, we believe that the highest and best use for these 684 square foot storage units is to convert them to leasable apartments to allow more TSU students to live in an environmentally friendly apartment within walking distance of campus. This request is in alignment with the city's stated goals of reducing auto traffic, fostering higher density close to downtown and TSU's campus, and promoting sustainable building practices.

The conversion of the twelve (12) 684 square foot storage units into leasable apartments would not have any measurable effect, adverse or otherwise, on the surrounding property owners and greater community. The number of new residents that would be added is small enough so as not to disturb the current traffic & parking patterns of the neighborhood. Similarly, the additional utility consumption will be minimal, especially given Iconic Development's expertise in environmentally-friendly development; we would convert these units utilizing the latest in "green"

technology to reduce utility impact. We believe the upgrades we will perform on the property (installing new toilets, showerheads, HVAC systems, windows, shutting down a pool, etc.) will more than offset the planned increase in density.

Development Standards

Many of Iconic's Development Standards are the same as the City of San Marcos. We have a track record of incorporating "green" features in our developments, which are complimentary to the city's "Go Green" initiative. Our xeriscaping initiatives and promotion of bicycle and two wheel transportation parking spaces are parallel with the city's transportation and water run-off master plans.

As previously noted, the planned development would overlay an existing use and existing buildings. Therefore property setbacks, area standards, height, lot size, open space, impervious coverage, and buffering elements will not incur a fundamental change at the property and do not apply to this application. At various other areas of the development we will implement and follow the below development standards:

+Landscaping- In June of 2010, the Developer started work on a \$40,000 native landscape master plan at the property. The goal of this master plan is to reduce the maintenance and water requirements at the site, while improving the curb appeal and beautification of the property and neighborhood. Additionally, the landscape plan re-uses rain water and strategically planted beds capture water that added to the water runoff at the property. The following low maintenance native plants are included in the master landscape plan:

+Datura	+Salvia
+Autumn sage	+Lantana
+Palo Verde	+Frogfruit
+Agaves	+Native Sedge
+Yuccas	+Smoketree
+Silver Ponyfoot	+Flameleaf
+Desert Willow	+Beargrass

+Parking- The property currently has 179 parking spaces for 108 units. While we occasionally have problems with non-tenants parking in our lot to walk to TSU, we have capacity of 16 spots (determined by totaling resident vehicle registrations in our rental contracts). Additionally, we plan to add at least 20 bicycle parking spaces if our application is approved. We feel such an initiative run parallel with environmentally friendly development practices and the City of San Marcos Master Plan.

+Signage- The signage across the property is in good order and follows with all the regulations of Article 3 Chapter 6 of the Land Development Code. See attached Exhibit 2

+Construction Materials- Since the Planned Development is still in the conceptual phases of design, it is difficult to be specific on the exact construction materials that will be used. However, on previous developments Iconic has implemented the following UL listed "green" material playbook:

Windows –Energy Star rated, high efficiency windows

HVAC Systems –Contemporary 410A unit inline with current SEER rating standards

Appliances – Energy Star Rated

Paint – low-VOC paint (and zero-VOC when available)

Lighting –high-efficiency bulbs (generally, Compact Fluorescent) and fixtures

Floor Covering- stained concrete (where applicable) or recycled carpet tiles

Plumbing- high efficiency toilets (1.28 gpf or less), low flow showerheads (1.6 GPM or less), low flow faucet aerators (1.5 GPM or less)

Superior Development Project

Iconic is in the business of developing environmentally friendly apartments targeted towards student customer base.

On a typical project, Iconic will invest \$10,000-\$15,000 per unit in interior and exterior improvements (above and beyond the purchase price). We do this because that is what it takes to reinvigorate aging, obsolete apartment properties built in the 1960's and 1970's in order to improve communities, create jobs, and increase the financial and environmental performance of the buildings. The additional income from the converted storage units would allow us to invest more heavily in the project's "green" features and to deliver a truly flagship end product – something the City of San Marcos could be proud of.

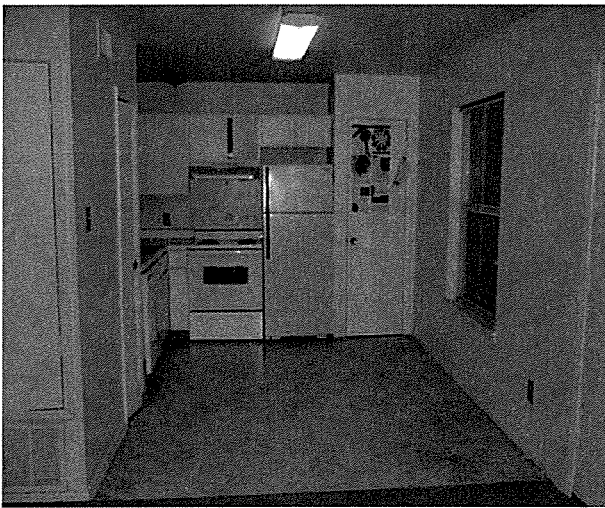
The conversion of these storage units into apartments will provide 18 more San Marcos residents the chance to live at an environmentally-friendly, progressive-minded property a highly desired and under-supplied neighborhood.

Existing Storage Space



Property Improvements To Date

BEFORE

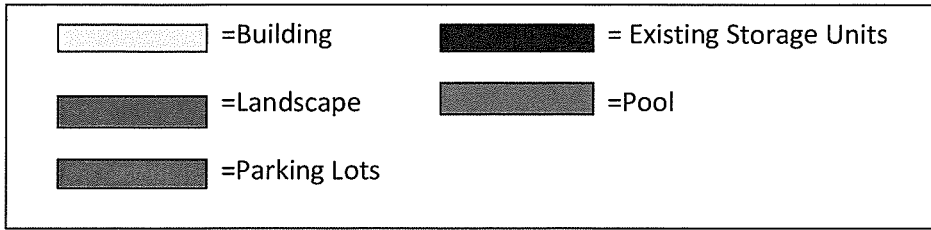


AFTER



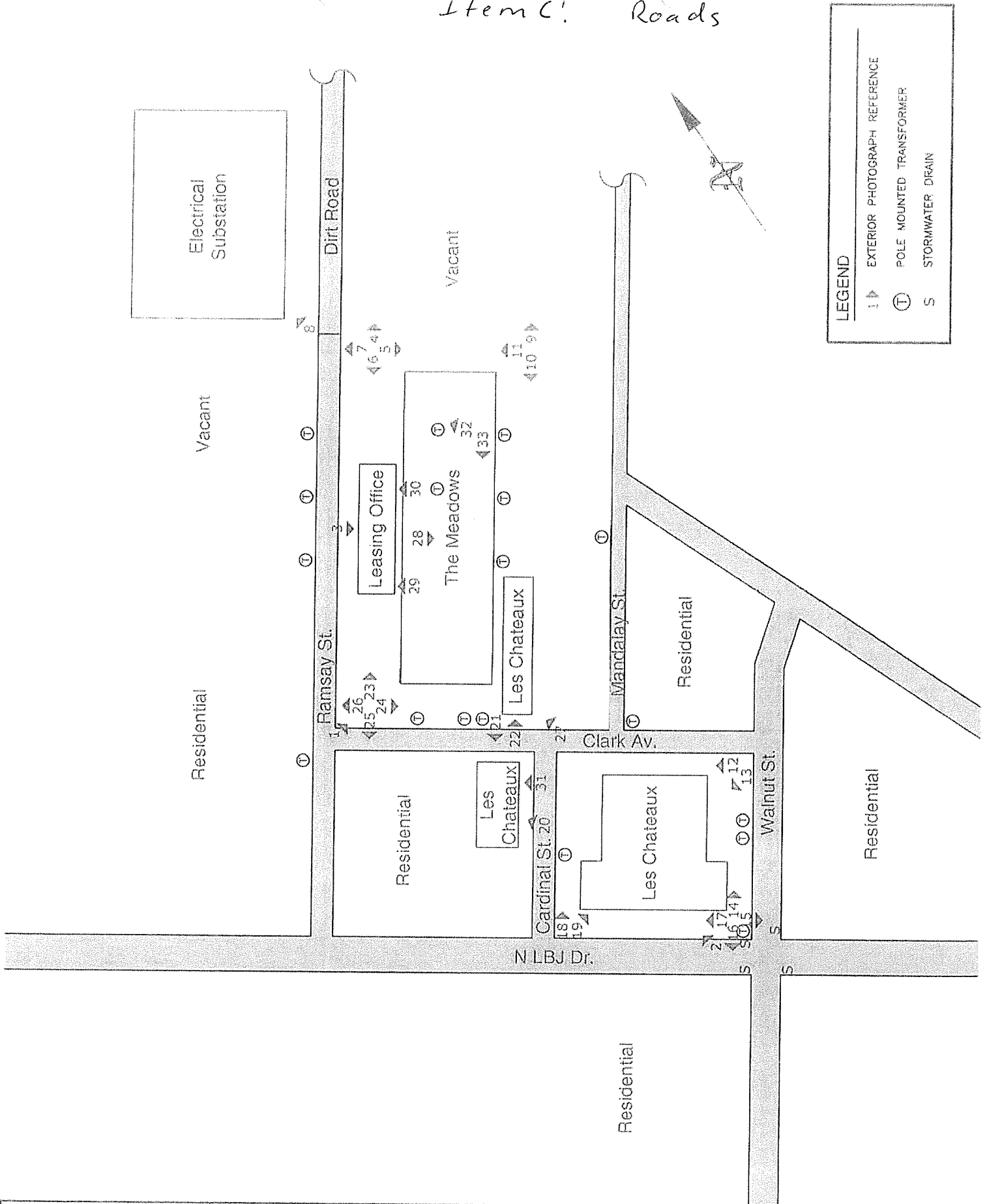
Exhibit A

The below site map details the existing parking lots, common areas, building locations, green space, and storage unit locations on the property. Please use the below key as a guide.



Item A:
Item C:

Boundaries
Roads



Complex Issues • Solid Solutions

THE MEADOWS AND LES CHATEAUX APARTMENTS
222 RAMSAY AND 1000 NORTH LBJ DR
SAN MARCOS, TX 78666

SITE MAP

FIGURE 2

APPROXIMATE SCALE:

NOT TO SCALE

11-17-2009

EFI JOB NO.

98430-02074

PHYSICAL SETTING SOURCE MAP - 2637215.1s

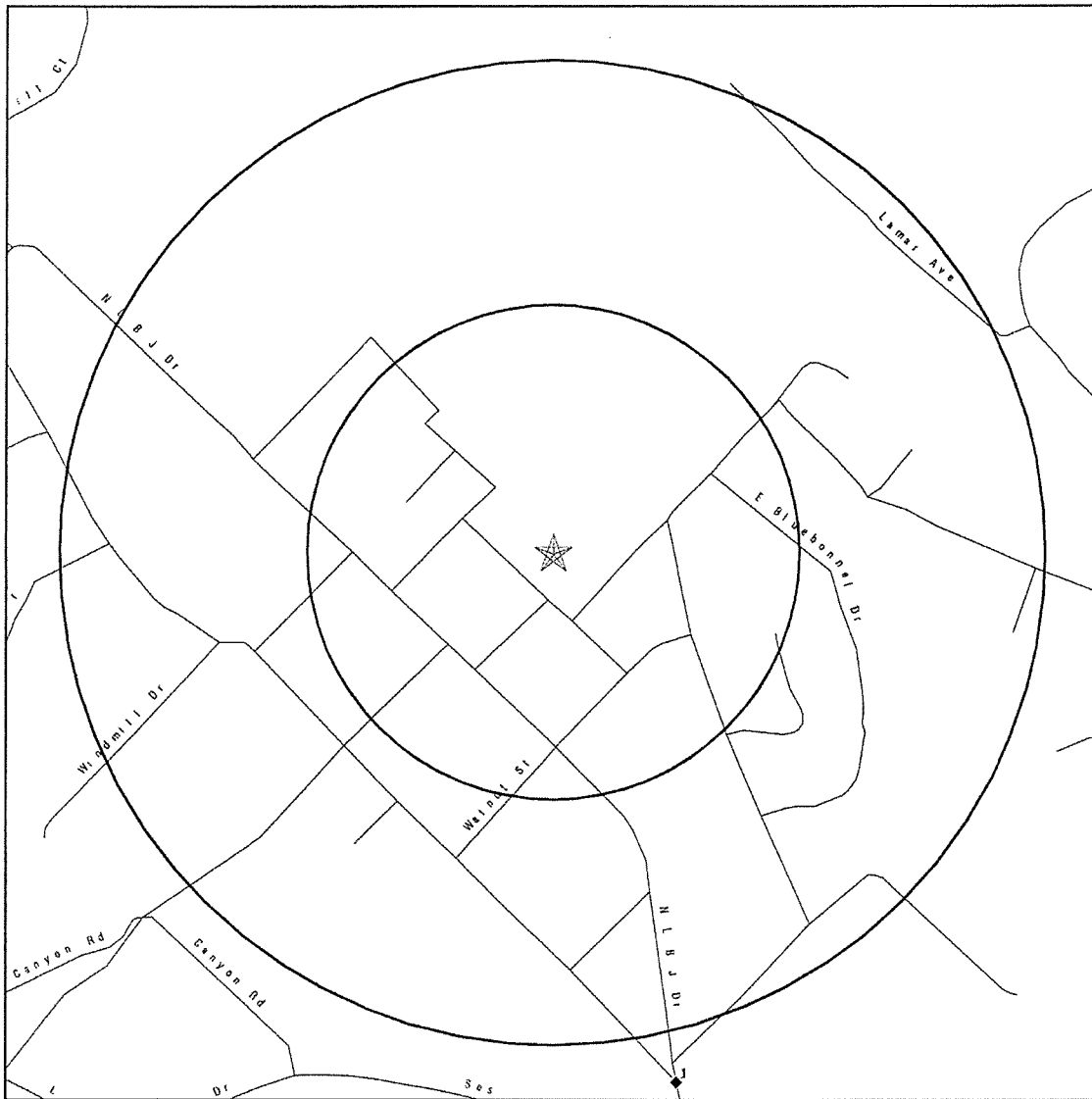


- County Boundary
- Major Roads
- Contour Lines
- Earthquake epicenter, Richter 5 or greater
- Water Wells
- Public Water Supply Wells
- Cluster of Multiple Icons
- Groundwater Flow Direction
- Indeterminate Groundwater Flow at Location
- Groundwater Flow Varies at Location
- Closest Hydrogeological Data
- Oil or gas wells

SITE NAME: Two Adjoining Multi Family Properties
 ADDRESS: 222 Ramsay
 San Marcos TX 78666
 LAT/LONG: 29.8962 / 97.9425

CLIENT: EFI
 CONTACT: John Cook
 INQUIRY #: 2637215.1s
 DATE: November 12, 2009 12:16 pm

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- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Manufactured Gas Plants
- ▲ Sensitive Receptors
- National Priority List Sites
- Dept. Defense Sites

- Indian Reservations BIA
- Oil & Gas pipelines
- 100-year flood zone
- 500-year flood zone

0 1/16 1/8 1/4 Miles



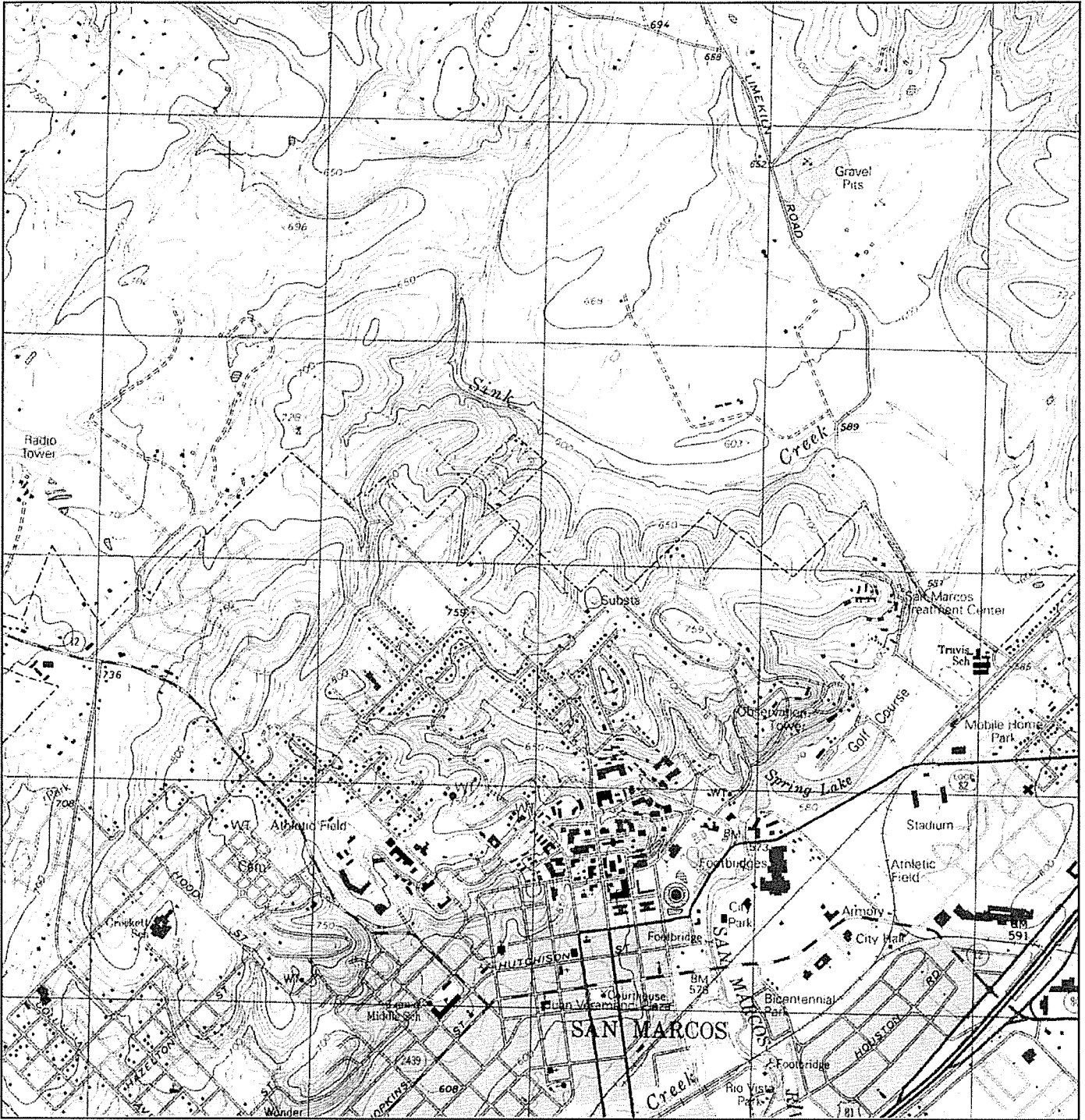
This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: Two Adjoining Multi Family Properties
 ADDRESS: 222 Ramsay
 San Marcos TX 78666
 LAT/LONG: 29.8962 / 97.9425

CLIENT: EFI
 CONTACT: John Cook
 INQUIRY #: 2637215.1s
 DATE: November 12, 2009 12:16 pm

Copyright © 2008 EDR, Inc. © 2008 Tele Atlas Rel. 07/2007.

Historical Topographic Map



<div>N</div> <div>↑</div>	TARGET QUAD	SITE NAME:	Two Adjoining Multi Family	CLIENT:	EFI
	NAME: SAN MARCOS NORTH		Properties	CONTACT:	John Cook
	MAP YEAR: 1995	ADDRESS:	222 Ramsay	INQUIRY#:	2636824.4
			San Marcos, TX 78666	RESEARCH DATE:	11/12/2009
	SERIES: 7.5	LAT/LONG:	29.8962 / 97.9425		
	SCALE: 1:24000				

PHYSICAL SETTING SOURCE MAP - 2637215.1s



- | | |
|--|---|
| <ul style="list-style-type: none"> County Boundary Major Roads Contour Lines Earthquake epicenter, Richter 5 or greater Water Wells Public Water Supply Wells Cluster of Multiple Icons | <ul style="list-style-type: none"> Groundwater Flow Direction Indeterminate Groundwater Flow at Location Groundwater Flow Varies at Location Closest Hydrogeological Data Oil or gas wells |
|--|---|

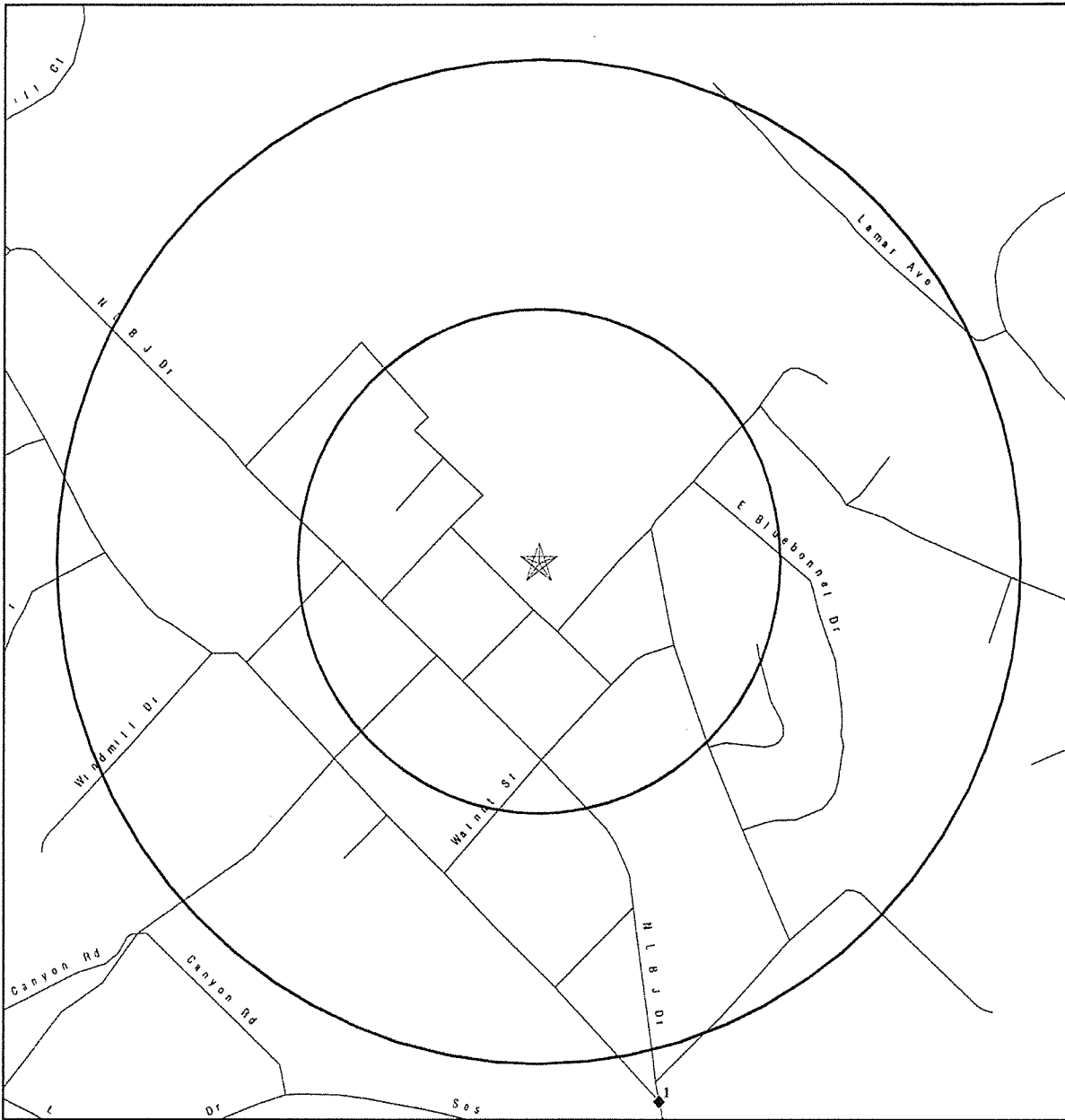
SITE NAME: Two Adjoining Multi Family Properties
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INQUIRY #: 2637215.1s
DATE: November 12, 2009 12:16 pm

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DETAIL MAP - 2637215.1s

Item 6



- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Manufactured Gas Plants
- ⚡ Sensitive Receptors
- 🗺️ National Priority List Sites
- 🛡️ Dept. Defense Sites

- 🗺️ Indian Reservations BIA
- 🛢️ Oil & Gas pipelines
- 🌊 100-year flood zone
- 🌊 500-year flood zone



This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: Two Adjoining Multi Family Properties
 ADDRESS: 222 Ramsay
 San Marcos TX 78666
 LAT/LONG: 29.8962 / 97.9425

CLIENT: EFI
 CONTACT: John Cook
 INQUIRY #: 2637215.1s
 DATE: November 12, 2009 12:16 pm

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Planned Development District
Development Standards
For
Iconic Village
222 Ramsay Street
January 5, 2011

Property Owner:

San Marcos Green Investors
3100 Corbin Lane
Austin, Texas 78704
512.799.1125

Table of Contents

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- B. Project Description

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- B. Definitions
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- D. Density
- E. Sidewalk Improvements
- F. Parking
- G. Location of Dumpsters
- H. Rain Gardens
- I. Rain Water Harvesting
- J. Open Space
- K. Concept Plan

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- A. Location of Sidewalk Improvements
- B. Location of Compact Parking
- C. Location of Rain Gardens
- D. Open Space locations

IV. Appendix

- A. Site Survey and Meets and Bounds Statement

Iconic Village Planned Development District

I. Introduction

A. Summary

Iconic Village is a multi-family development constructed in 1975 and located at the intersection of Clark and Ramsay streets, approximately .34 miles from the Texas State University campus. The property is approximately 3.86 acres in size and contains 108 residential units. The apartment complex was built in 1975, at a time when the zoning in place allowed for up to 40 units an acre. As a result, the site is currently built to a density of 28 units per acre.

The Iconic Village Planned Development District is based on the following physical, environmental, and social aspects of the development:

- Proximity to Texas State University
- Providing for alternative means of transportation
- Fostering a sense of community
- Location of the property within the Upper San Marcos River Watershed

B. Project Description

Iconic Development is seeking the city's approval to convert twelve (12) existing storage closets/ breezeways (each 19'10" X 31'0") into six (6) 1,200SF leasable three-bedroom apartments at an existing multi-family complex, increasing the property's unit count from 108 to 114. The conversion of these twelve storage units into apartments will serve to:

- Alleviate the current supply/demand gap in the North LBJ Submarket
- Meet the growth needs of Texas State University
- Reduce auto traffic to-and-from the university and downtown

- Provide increased density without the waste created during ground-up construction
- Keep rents down across the board at the property

Iconic Village Planned Development District

II. Development Standards

A. Purpose and Intent

The purpose of a petition for a Planned Development District (PDD) is to allow flexibility in development and encourage the use of innovative site planning techniques resulting in high-quality development with improved design and character. All construction and development within the PDD area shall comply with applicable provisions of the City of San Marcos codes and ordinances as of the approval date of this document, except as modified within this PDD. If specific development standards are not established or if an issue, condition or situation arises or occurs that is not clearly addressed or understandable in the PDD, then those regulations and standards of the City of San Marcos codes and ordinances that are applicable for the most similar issue, condition, or situation shall apply as determined by the Director of Development Services. Any changes to the project description, as described within this PDD, will require the approval of the Planning and Zoning Commission and City Council.

Many of Iconic's Development Standards are the same as the City of San Marcos. Xeriscaping initiatives and promotion of bicycle and two wheel transportation parking spaces are parallel with the city's transportation and watershed protection measures. The planned development district would overlay an existing use and existing buildings. Therefore property setbacks, area standards, height, lot size, open space, impervious coverage, and buffering elements will not incur a fundamental change at the property and do not apply to this application.

B. Definitions

Rain Garden: A planted depression that utilizes native plants and materials and that allows rainwater runoff from impervious urban areas like roofs, driveways, walkways, parking lots, and compacted lawn areas the opportunity to be absorbed, thus decreasing the risk of flooding and improving water quality.

C. Zoning

The base zoning district for this PDD is MF-24 (multi-family). All standards and requirements of the MF-24 district shall apply to the PDD, except as and to the extent set forth in the or in conflict with the Plan. The property shall be regulated for purposes of zoning by the Plan.

D. Density

A base zoning designation of MF-24 with an overall site density of 30 units per acre rather than 24 units per acre is permitted.

E. Sidewalk Improvements

Widening of the sidewalk along Clark Street to 4 feet and to be constructed to City of San Marcos standards shall take place prior to the issuance of a Certificate of Occupancy for the renovation of any breezeway/storage units into residential units.

F. Parking

The following parking improvements shall take place prior to the issuance of a Certificate of Occupancy for the renovation of any breezeway/storage units into residential units:

- Parking shown in Exhibit B shall be restriped and identified as compact parking.
- Bike parking in the amount of 10% of automobile parking will be provided on site.

- An alternative parking analysis will be required to be submitted.

G. Location of Dumpsters

Due to the age of the development the apartment complex was not required to meet the location and screening requirements that are in place today for dumpsters. The following improvements shall take place prior to the issuance of a Certificate of Occupancy for the renovation of any breezeway/storage units into residential units:

- Relocation of dumpsters from in front of front façade of buildings
- Screening of all dumpsters with one of the following approved screening techniques: privacy fences, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof

H. Rain Gardens

Due to the location of the subject property in the Upper San Marcos River Watershed the inclusion of rain gardens as a water quality measure allows for increased treatment of storm water runoff. The following improvements shall take place prior to the issuance of a certificate of occupancy for the renovation of any breezeway/storage units into residential units:

- The construction of a rain garden in the areas shown in Exhibit C.
- Cut 1' breaks into the existing vegetative aisles along the parking lots shown in Exhibit C to allow for increased site drainage.

I. Rain Water Harvesting

The following improvements shall take place at the time the breezeway/storage units are renovated into residential units within the respective building:

- Install rain water collection systems in each of the building courtyards to provide irrigation to the courtyard gardens/open space.

J. Open Space

Open Space within the development plays a crucial role in the overall success of the multifamily development. The areas identified in Exhibit D shall remain open space for use and enjoyment of the residents of the property.

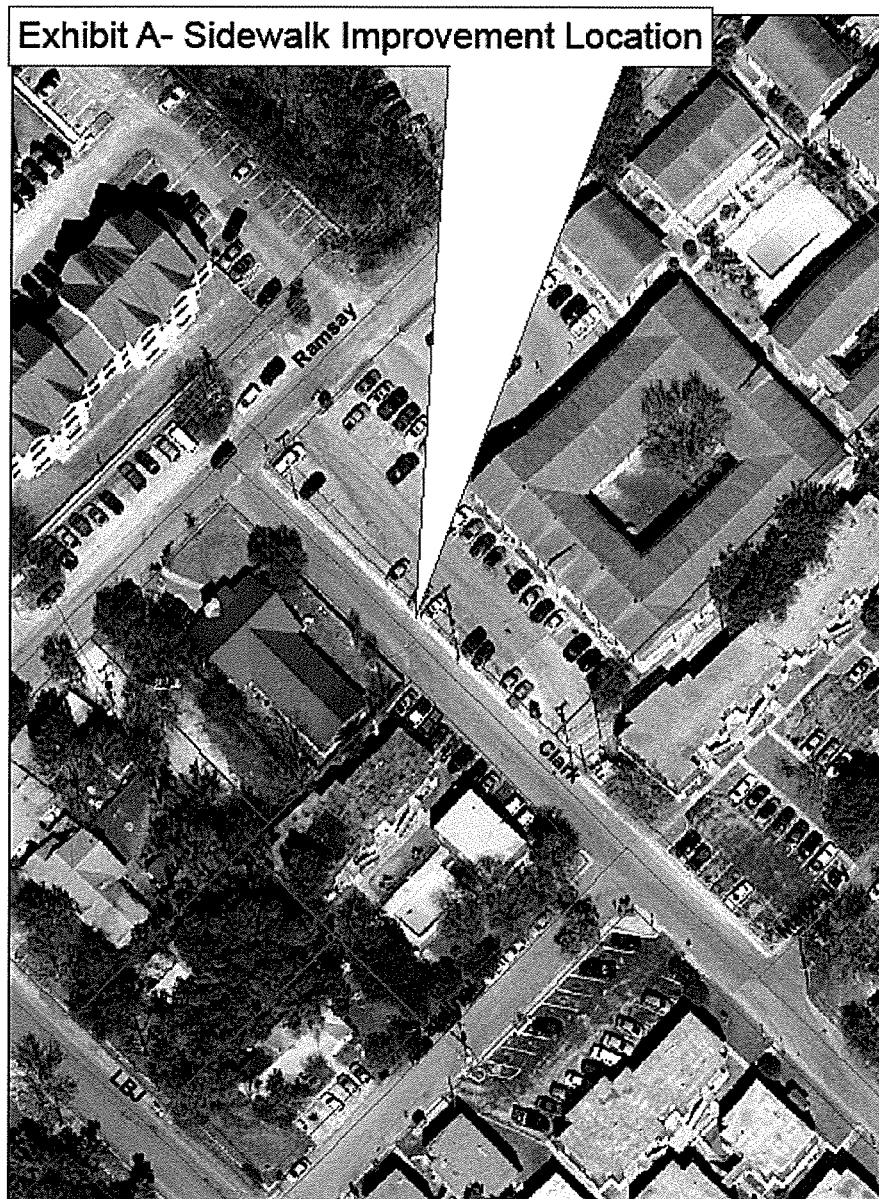
K. Concept Plan

Because the property is not increasing the overall site impervious cover and is not being proposed to be redeveloped in phases the PDD requirement for a concept plan is hereby waived.

Iconic Village Planned Development District

III. Exhibits

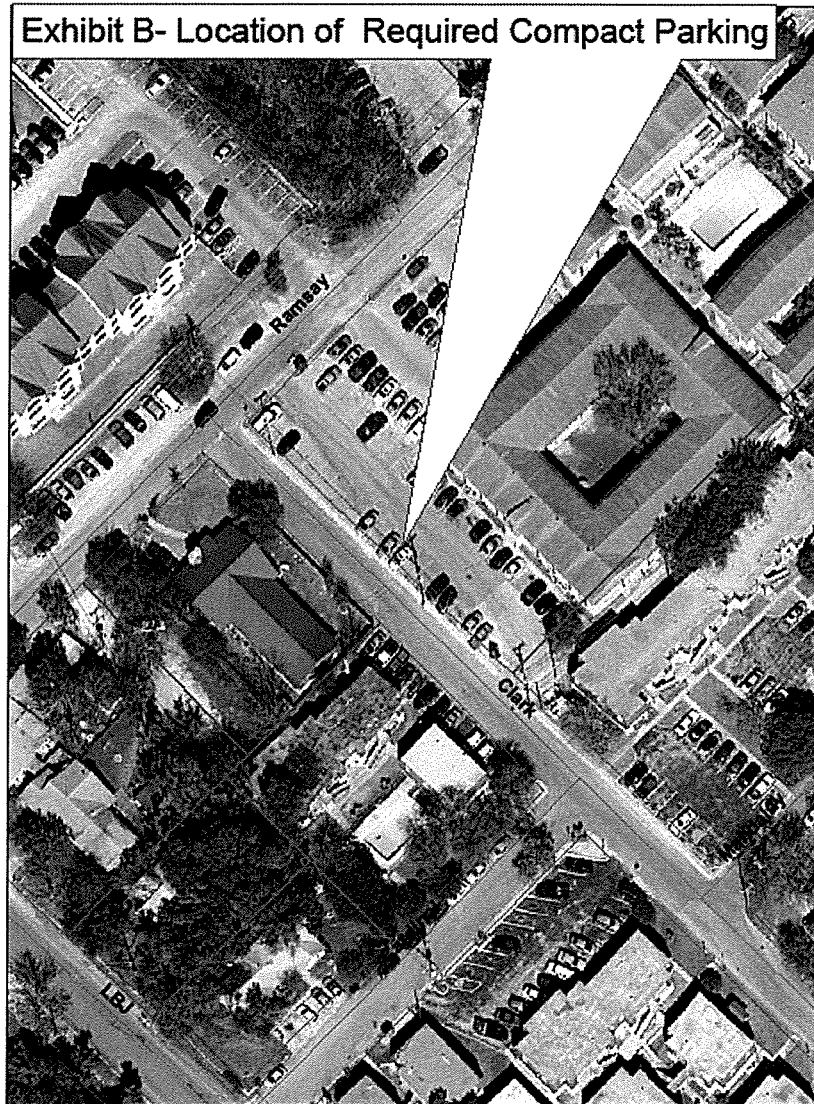
A. Location of Sidewalk Improvements



Iconic Village Planned Development District

III. Exhibits

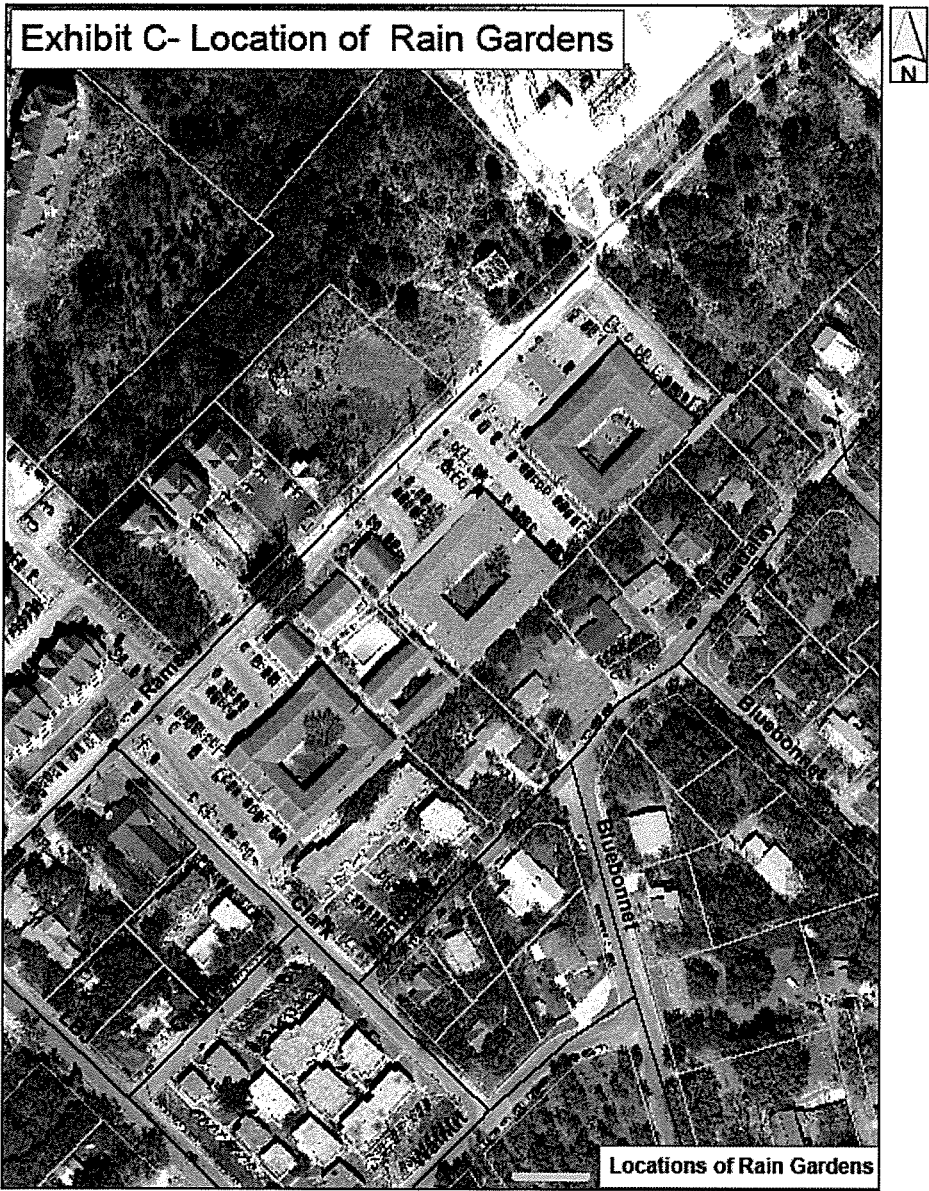
B. Location of Compact Parking



Iconic Village Planned Development District

III. Exhibits

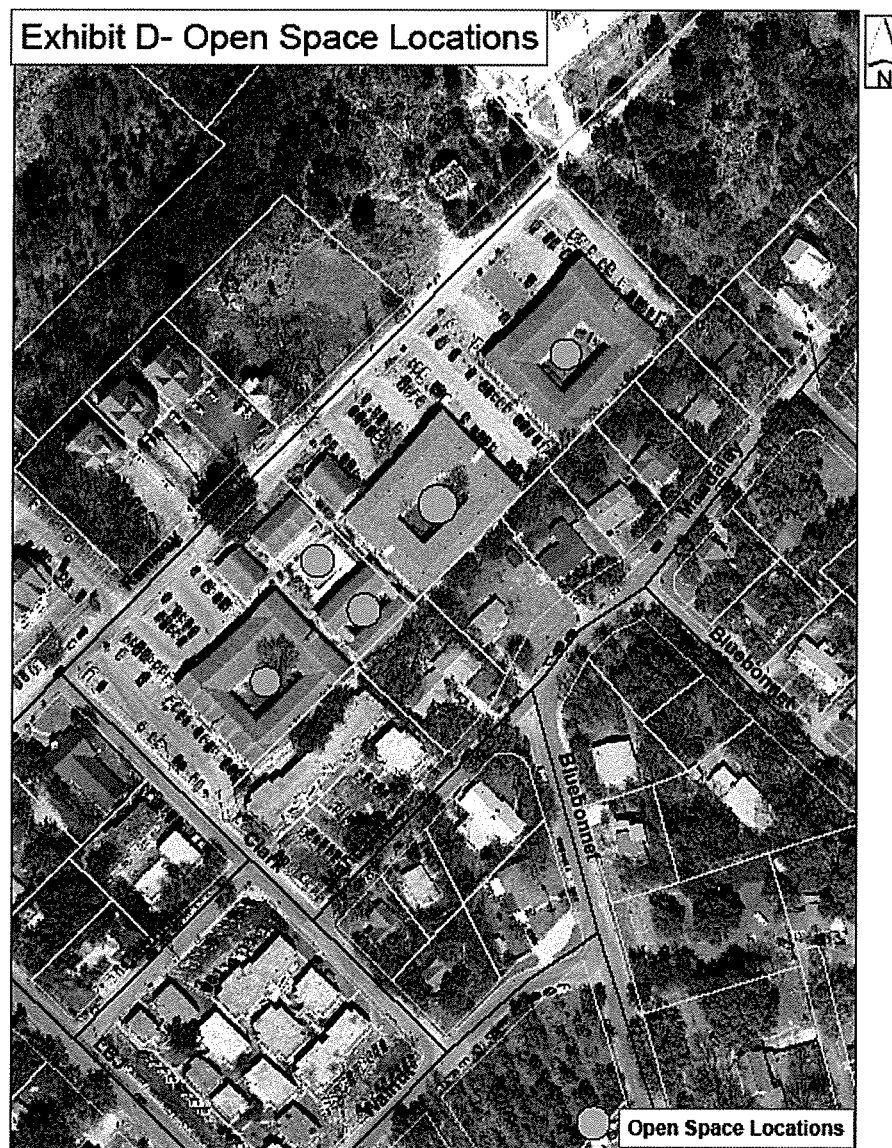
C. Location of Rain Gardens



Iconic Village Planned Development District

III. Exhibits

D. Open Space Locations



EXECUTED on _____, 2011.

By: _____

STATE OF TEXAS

COUNTY OF HAYS_

This instrument was acknowledged before me on _____, 2011 by _____, known personally to me to be the person who subscribed this instrument, on behalf of [owner entity name].

Notary Public, State of Texas

FIELD NOTES
FOR
A 3.867 ACRE TRACT

1127 685

Being a 3.867 acre tract of land out of the T. J. Chambers Survey in the City of San Marcos, Hays County, Texas, and being all of a tract called 2.075 acres and all of a tract called 1.842 acres, all as now found upon the ground, and both recorded in Volume 863, Page 111 of the Official Public Records of Hays County, Texas, and being more particularly described as follows:

BEGINNING: At an iron pin found in the Northeast line of a road, called Clark Avenue, for the South corner of the above referenced 1.842 acre tract, for the South corner of this tract;

THENCE: Along the Northeast line of Clark Avenue, N 45° 59' 12" W 262.60 feet to an iron pin found in asphalt at the intersection of the Northeast line of Clark Avenue with what is called the Southeast line of Lamar Avenue, for the West corner of the above referenced 1.842 acre tract, for the West corner of this tract;

THENCE: Along said Southeast line, N 46° 30' 51" E 253.34 feet to an iron pin found in an island at the base of an approximate 30 inch Oak tree, for a corner of the above referenced 1.842 acre tract, for a corner of this tract;

THENCE: S 44° 14' 17" E 4.59 feet to an "x" found in concrete curb around said island, for an interior corner of the above referenced 1.842 acre tract, for an interior corner of this tract;

THENCE: N 44° 50' 34" E passing the North corner of the above referenced 1.842 acre tract, the West corner of the above referenced 2.075 acre tract, a record distance of 103.87 feet and continuing along the Southeast line of Lamar Avenue a total distance of 304.87 feet to an iron pin found for the North corner of the above referenced 2.075 acre tract, for the North corner of this tract;

THENCE: S 45° 11' 09" E 209.27 feet to an iron pin found at the East corner of the above referenced 2.075 acre tract, for the East corner of this tract;

THENCE: Along the Southeast line of the above referenced tracts, S 43° 34' 26" W 169.71 feet, an iron pin found, S 40° 11' 50" W 39.36 feet, an iron pin found, S 43° 34' 35" W 223.12 feet, an iron pin found, S 43° 10' 03" W 37.85 feet, an iron pin found, and S 43° 10' 10" W 184.95 feet to the Point of Beginning and containing 3.867 acres of land, more or less.

The foregoing field notes represent the results of an on-the-ground survey made under my supervision, January 14, 1992.



S. Craig Hollins
S. Craig Hollins
Registered Professional Land Surveyor #2389

STATE OF TEXAS
COUNTY OF HAYS
I hereby certify that this instrument was FILED on
this 30th day of January 1992 by me and was duly
RECORDED in the Volume and Page of the Record
of Hays County, Texas, as stamped herein by me.

JAN 30 1992

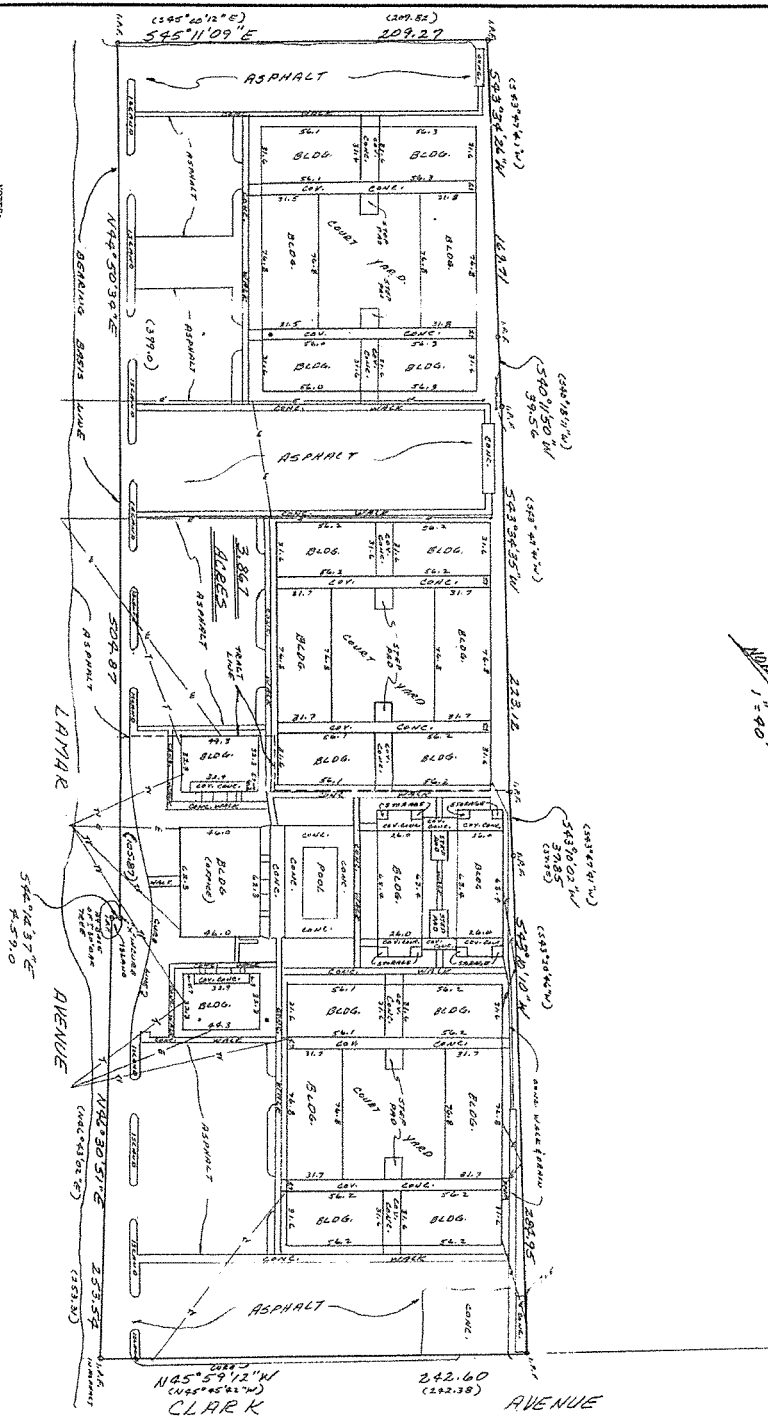


Donna D. Campbell
COUNTY CLERK
HAYS COUNTY, TEXAS

EXHIBIT A

NOTES:
According to the FPM Flood Insurance Rate Map, Community-Panel #48505 0001 C, dated 9/1/1983, this property does not lie in Zone A.
Parentheticals indicate Deed Calls (883/114)

Being a 3.87 acre tract of land out of the T. J. Chambers Survey in the City of San Antonio, Bexar County, Texas, and being all of the land and being all of a tract called 1.842 acres, all as now found upon the ground and shown on the plat in Volume 803, Page 114 of the Official Public Records of Bexar County, Texas.



North
1"=40'

S. CRAIG HOLLMIG, INC.
engineers - surveyors
new braunfels, texas

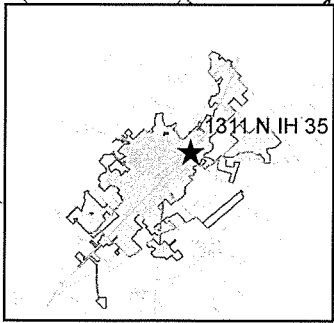
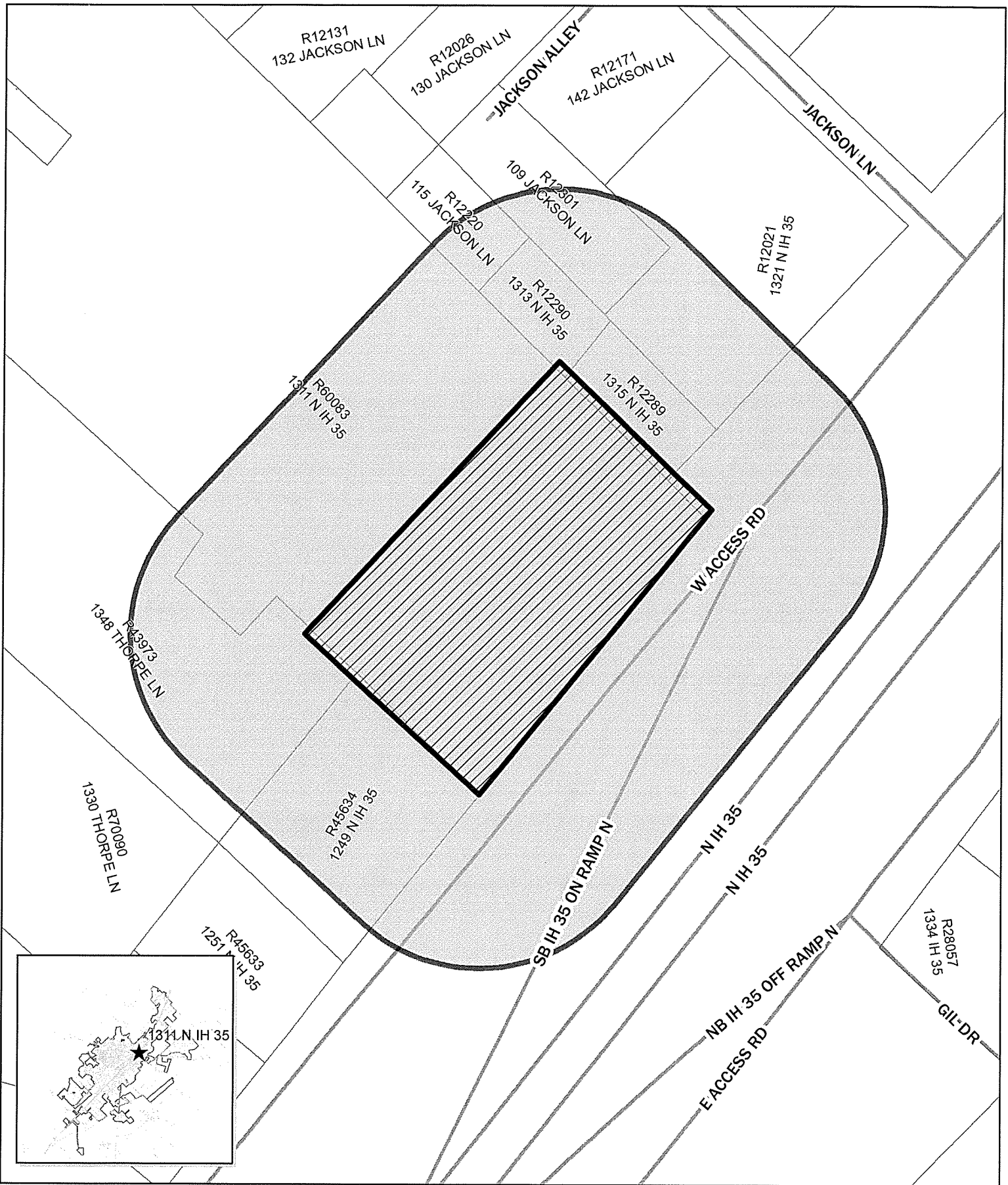
CLARK AVENUE
242.60
(142.38)

STATE OF TEXAS
S. CRAIG HOLLMIG
2389
LAND SURVEYOR

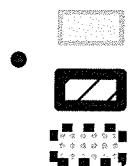
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUNDS UNDER MY SUPERVISION AND THAT THERE ARE NO UNLAWFUL ENCROACHMENTS OR ENCROACHMENTS OF SURVEYED OR ADJACENT PROPERTIES AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

This 14th day of January 1938 A.D.

S. CRAIG HOLLMIG
REGISTERED LAND SURVEYOR

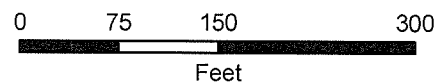


LUA-10-14
1311 N. IH-35
Map Date: 12/27/10



Notification Buffer
 (200 feet)
 Site Location
 Historic District

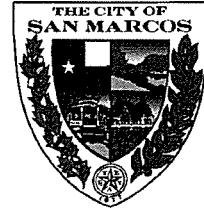
This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



Land Use Map Amendment

LUA-10-14

1311 North IH-35



Administrative Summary:

Applicant: ETR Development
Consulting
5395 Hwy 183 N
Lockhart, Texas 78644

Property Owner: Darren Casey Interest, Inc
814 Arion Parkway, Ste. 200
San Antonio, Texas 78216

Notification: Public hearing notification mailed on December 29, 2010.

Response: None to date

Property/Area Profile:

Legal Description: 2.547 acres out of the JM Verimendi League No. 2

Location: 1311 N. IH-35

Existing Use of Property: Vacant

Proposed Use of Property: Multi-family residential

Future Land Use Map: Commercial (C)

Existing Zoning: General Commercial (GC)

Proposed Zoning: MF-24 Multi-Family Residential

Utility Capacity: Adequate

Sector: Seven

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	MF-18, GC	Nursing home	Commercial
S of Property	MF-24, GC	Educational facility	Public/Institutional
E of Property	GC	IH 35	Interstate
W of Property	MU	Multifamily residential	Mixed Use

Planning Department Analysis

The applicant is requesting a Land Use Map Amendment change for 2.547 acres, more or less, from Commercial (C) to High Density Residential.

The subject property comprises the front 2.547 acres of a 10.55-acre parcel with frontage on both IH 35 and Thorpe Lane. The other 8.188 acres were rezoned to the MF-24 designation, with a concurrent Land Use Amendment to HDR, under ZC-09-22/LUA-09-18. This current request is being processed together with a Zoning Change request, to change the zoning designation from General Commercial (GC) to Multi-Family Residential (MF-24).

The subject property is located on the west side of IH 35, between Aquarena Springs and Ranch Road 12. Adjacent uses include educational offices to the south and a nursing home to the north. Uses to the west are primarily multifamily residential. There are also numerous hotels and retail businesses in the area, and a couple of older multifamily developments to the north and to the south. Uses along IH 35 are primarily interstate-oriented businesses.

The subject property has approximately 420 feet of frontage on North IH 35 access road, and is an average of 260 feet deep. This site is adjacent to several highway-oriented businesses. The rear portion of the site was rezoned to allow multifamily development last year. That development would be consistent with the statements in the Horizons Master Plan that indicate well-buffered residential development is appropriate, and that residential development should be adjacent to other residential developments. However, this portion of the site derives access from the frontage road on IH 35, is currently zoned General Commercial, and is recommended for commercial uses in the Future Land Use Map.

Staff has evaluated the request for consistency with the Horizons Master Plan, and is summarized below:

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
		X	<p>Policy LU-1-1: The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan.</p> <p><i>Comment: To a very great extent property along IH-35 has a Future Land Use designation of Commercial. Only the areas that are already residential are recommended for residential use.</i></p>
		X	<p>Policy LU-3.1: The City shall develop the residential areas of San Marcos according to the Future Land Use Plan so that future growth can be accommodated, a mixture of housing types and densities can be provided, and adverse impacts from traffic, environmental hazards and incompatible land uses can be avoided.</p> <p><i>Comment: Residential Use at the subject property location would be adversely impacted from the heavy traffic of IH-35 and the associated access road.</i></p>
		X	<p>Policy LU-3:16: The City shall discourage residential uses without adequate buffering.</p> <p><i>Comment: Residential Use would NOT be adequately buffered from IH-35 traffic.</i></p>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
		X	Policy LU-3.18: The City shall prohibit residential developments that, because of design or location, will expose the potential residents to through traffic or heavy traffic from other types of land uses.
		X	Policy LU-6.3: The City shall promote commercial development in designated corridors and at intersections as the most desirable locations, and to influence the direction of development as part of the Future Land Use Plan. Commercial use at this highly visible location would serve a far greater number of people than residential use.
		X	Policy LU-6.5: The City shall designate enough commercially zoned land to meet the existing and future shopping and employment needs of the citizens and should direct the location of commercial development so that all land uses, whether mixed or segregated, are compatible with each other.
		X	Policy LU-6.8: The City shall recognize that commercial and residential uses are not generally compatible and will discourage residential use of land in commercial districts except where residential uses are planned as part of a mixed-use concept.

There are currently over 1,000 entitled multi-family units in San Marcos. All of these units are located in more appropriate areas away from the traffic intensity of IH 35. Sector 7 in particular has a higher percentage of medium and high-density residential compared to the city as a whole – 14.06 percent compared to 3.36 city-wide. The staff believes that residential uses in such close proximity to the Interstate, particularly when considering existing and entitled multifamily, is not the highest and best use of this property. Commercial uses, including office and retail, would better suit the high visibility of this site, and would serve more people than residential uses. There are two existing apartment complexes, one to the south and another to the north on the frontage road, near this site. However, these were approved and constructed in the early-mid 1980's, and do not reflect the growth pattern the City is encouraging for this area.

Given the site's high visibility from the Interstate, and its location between two major arterials and proximity to other commercial sites, the staff believes the front portion of the site currently under review should remain commercial.

Staff recommends denial of this Land Use Map Amendment request to change for 2.547 acres, more or less, from Commercial (C) to High Density Residential.

Planning Department Recommendation:

	Approve as submitted
	Approve with revisions as noted
	Alternative-Postpone
X	Denial

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

List of Attachments:

Location Map
Survey

Prepared by

Phil Steed

Planner

January 6, 2011

Name**Title****Date**

METES AND BOUNDS
DESCRIPTION OF

A 2.547 ACRE (110,960 SQUARE FEET) TRACT SITUATED IN THE J.M. VERAMENDI LEAGUE NUMBER 2, HAYS COUNTY, TEXAS, BEING COMPRISED OF A 7.739 ACRE TRACT, CALLED 7.79 ACRES, CONVEYED TO HAYS COUNTY, TEXAS, IN VOLUME 77, PAGES 212 AND 214, THE DEED RECORDS OF HAYS COUNTY, TEXAS, A 0.713 ACRE TRACT, CALLED 0.708 ACRES, CONVEYED TO HAYS COUNTY, TEXAS IN VOLUME 334, PAGE 314, THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN A CLOCKWISE MANNER AS FOLLOWS:

BEGINNING: At a found Concrete Monument on the northwest right-of-way line of Interstate Highway 35 (a 485-ft. wide public right-of-way), found Concrete Monument being the east corner of Lot 1, Texas Educational Foundation Addition, recorded in Volume 6, Page 16 of the Plat Records of Hays County, Texas, and representing the south corner of the herein described tract;

THENCE: N 47°31'35" W, 88.26 feet, departing the said northwest right-of-way line of Interstate Highway 35 and along the northeast line of said Lot 1, Texas Educational Foundation Addition, to a found Concrete Monument for the west corner of said 0.713 acre tract (ref: Volume 334, Page 314) and also being the south corner of the said 7.739 acre tract (ref: Volume 77, Page 212);

THENCE: N 47°37'50" W, 111.38 feet, continuing along and with the northeast line of said Lot 1, Texas Educational Foundation Addition, to a found ½" iron rod for the easternmost corner of Lot 1, The Summit Subdivision, recorded in Volume 3, Page 117 of the Plat Records of Hays County, Texas;

THENCE: N 47°08'25" W, 75.02 feet, along and with the southwest line of said Lot 1, The Summit Subdivision, to a found ½" iron rod for the west corner of the herein described tract;

THENCE: N 42°51'34" E, 430.06 feet, to a point on the southwest line of a 0.25 acre tract of land (ref:

Volume 1467, Page 623), said point representing the north corner of the herein described tract;

THENCE: S 45°46'19" E, 187.52 feet, to a found ½" iron rod with cap "Protech", for the east corner of said 7.739 acre tract (ref: Volume 77, Page 212) and the north corner of the said 0.713 acre tract (ref: Volume 334, Page 314), said found ½" iron rod being on the said northwest right-of-way line of Interstate Highway 35;

THENCE: S 46°21'39" E, 58.19 feet, along and with the said northwest right-of-way line of Interstate Highway 35, to a found 1" iron pipe, representing the east corner of the herein tract of land;

THENCE: S 38°56'17" W, 424.24 feet, continuing along and with the said northwest right-of-way line of Interstate Highway 35, to the **POINT OF BEGINNING** of this tract.

I, Joe Edward Higle, Registered Professional Land Surveyor do hereby affirm that this description is based on the results of a survey made on the ground by the firm of Macina, Bose, Copeland and Associates, Inc., of which a survey map has been prepared.


JOE EDWARD HIGLE REG. NO. 4788
REGISTERED PROFESSIONAL LAND SURVEYOR

30220-Hays
September 17, 2009
JHV/yyd

R12096
1360 THORPE LN

R12131
132 JACKSON LN

R12026
130 JACKSON LN

JACKSON ALLEY
R12171
142 JACKSON LN

JACKSON LN

R12020
1640 AQUARENA SPRINGS DR

R12001
109 JACKSON LN

R12021
1321 N IH 35

R12290
1313 N IH 35

R12289
1315 N IH 35

R60083
1311 N IH 35

R43973
1348 THORPE LN

R70080
1330 THORPE LN

R45633
1251 N IH 35

R45634
1249 N IH 35

SB IH 35 ON RAMP N

N IH 35
N IH 35

R28056
1328 N IH 35

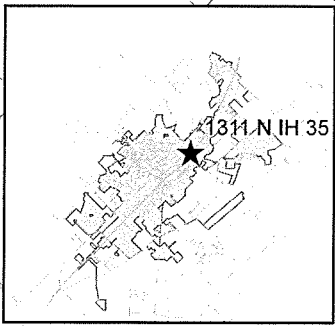
R28057
1334 IH 35

R12212
1322 GIL DR

GIL DR

E ACCESS RD

NB IH 35 OFF RAMP N



LUA-10-14/ZC-10-20

1311 N. IH-35

Map Date: 12/27/10



Notification Buffer
(200 feet)



Site Location



Historic District

This map was created by Development Services
for reference purposes only. No warranty is made
concerning the map's accuracy or completeness.



0 85 170 340
Feet

Zoning Change

ZC-10-20

1311 N. IH 35



Administrative Summary:

Applicant: ETR Development
Consulting
5395 Hwy 183 N
Lockhart, Texas 78644

Property Owner: Darren Casey Interest, Inc
814 Arion Parkway, Ste. 200
San Antonio, Texas 78216

Notification: Public hearing notification mailed on December 29, 2010.

Response: None as of

Property/Area Profile:

Legal Description: 2.547 acres out of the JM Verimendi League No. 2

Location: 1311 N. IH 35

Existing Use of Property: Undeveloped

Proposed Use of Property: Multi-family residential

Future Land Use Map: Commercial

Existing Zoning: GC/General Commercial

Proposed Zoning: MF-24

Utility Capacity: Adequate

Sector: Sector 7

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	MF-18, GC	Nursing home	Commercial
S of Property	MF-24, GC	Educational facility	Public/Institutional
E of Property	GC	IH 35	Interstate
W of Property	MU	Multifamily residential	Mixed Use

Planning Department Analysis

The applicant is requesting a zoning change for 2.547 acres, more or less, from GC to MF-24.

The subject property comprises the front 2.547-acre parcel of two parcels totaling 10.55 acres, with frontage on both IH 35 and Thorpe Lane. The other 8.188 acres were rezoned to the MF-24 designation, with a concurrent Land Use Amendment to HDR, under ZC-09-22/LUA-09-18. This current request is being processed together with a Land Use Amendment request, to change the designation from General Commercial to High Density Residential.

The subject property is located on the west side of IH 35, between Aquarena Springs and Ranch Road 12. Adjacent uses include educational offices to the south and a nursing home to the north. Uses to the west are primarily multifamily residential. There are also numerous hotels and retail businesses in the area, and a couple of older multifamily developments to the north and to the south. Uses along IH 35 are primarily interstate-oriented businesses.

Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

1311 N IH 35

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
	X	<p>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p>A future land use map amendment is pending for this property. The Sector 7 Future Land Use Map indicates this site as remaining commercial.</p>
N/A	N/A	<p>Consistency with any development agreement in effect</p> <p>No development agreements are in effect for this property.</p>
	X	<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p>The area fronting IH 35 is predominantly commercial, with restaurants, hotels, and office uses. A high-density multifamily complex would not be the highest and best use for the site, especially considering its proximity to the Interstate. The Department believes a more appropriate use, which would benefit more people, would be commercial.</p>
X		<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p>

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
		Utility availability appears to be adequate.
	X	<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p>The development of a high-density residential use adjacent to an interstate can have a negative impact on the health and safety of its residents, with regards to noise and air quality.</p>

The subject property has frontage on IH 35, and is adjacent to several highway-oriented businesses. The rear portion of the site was rezoned to allow multifamily development last year. That development would be consistent with the statements in the Horizons Master Plan that indicate well-buffered residential development is appropriate, and that residential development should be adjacent to other residential developments. However, this portion of the site derives access from the frontage road on IH 35, is currently zoned General Commercial, and is recommended for commercial uses in the Future Land Use Map.

San Marcos already has hundreds of entitled multifamily units, the majority of which are located in more appropriate areas away from the traffic intensity of IH 35. Sector 7 in particular has a higher percentage of medium and high-density residential compared to the city as a whole – 14.06 percent compared to 3.36 city-wide. The staff believes that residential uses in such close proximity to the Interstate, particularly when considering existing and entitled multifamily, is not the highest and best use of this property. Commercial uses, including office and retail, would better suit the high visibility of this site, and would serve more people than residential uses. Additionally, concerns with noise and air quality are not as high with commercial uses as they would be with residential. There are two existing apartment complexes, one to the south and another to the north on the frontage road, near this site. However, these were approved and constructed in the early-mid 1980's, and do not reflect the growth pattern the City is encouraging for this area. The Future Land Use Map shows those two sites as High Density Residential, but maintains the subject parcel as commercial. Given the site's high visibility from the Interstate, and its location between two major arterials and proximity to other commercial sites, the staff believes the front portion of the site currently under review should remain commercial.

The requested zoning change is somewhat consistent with the surrounding land uses but is not consistent with all of the criteria listed above for a zoning change nor with the following policy statements outlined in the Horizons Master Plan:

- Policy LU-3.1: The City shall develop the residential areas of San Marcos according to the Future Land Use Plan so that future growth can be accommodated, a mixture of housing types and densities can be provided, and adverse impacts from traffic, environmental hazards and incompatible land uses can be avoided.
- Policy LU-3.16: The City shall discourage residential uses without adequate buffering.
- Policy LU-3.18: The City shall prohibit residential developments that, because of design or location, will expose the potential residents to through traffic or heavy traffic from other types of land uses.
- Policy LU-6.3: The City shall promote commercial development in designated corridors and at intersections as the most desirable locations, and to influence the direction of development as part of the Future Land Use Plan.
- Policy LU-6.5: The City shall designate enough commercially zoned land to meet the existing and future shopping and employment needs of the citizens and should direct the location of commercial development so that all land uses, whether mixed or segregated, are compatible with each other.

- Policy LU-6.8: The City shall recognize that commercial and residential uses are not generally compatible and will discourage residential use of land in commercial districts except where residential uses are planned as part of a mixed-use concept.

Staff recommends denial of the zoning request change for 1311 N IH 35.

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

The Commission's advisory recommendation to the Council is a discretionary decision. Section 1.5.1.5 charges the Commission and the Council to consider:

- (1) Whether the proposed zoning amendment implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps;
- (2) Whether there is a development agreement in effect;
- (3) Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
- (4) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area; and
- (5) Other factors which substantially affect the public health, safety, morals, or general welfare.

List of Attachments:

Area zoning map
Survey

Prepared by

Christine Barton-Holmes, LEED AP Chief Planner

December 29, 2010

Name	Title	Date
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DEVELOPMENT
SERVICES-PLANNING

MEMO

To: Planning and Zoning Commission
Thru: Matthew Lewis, Director of Development Services
From: Erika Ragsdale, Intern
Date: January 7, 2011
Re: "Let's Get Small: Placemaking as Antidote for Shrinking City Budgets"

The attached article, "Let's Get Small: Placemaking as Antidote for Shrinking City Budgets" by Hazel Borys, addresses ways that placemaking can save money and boost the local economy. Recession-related deficits that cities face today are commonly met with short-term fixes like layoffs, furloughs, decreased services, and healthcare cuts. Placemaking, on the other hand, is a long-term solution that decreases infrastructure spending and jumpstarts economic development. Thoughtful planning increases the tax base, home equity, social capital, and general health of the community.

The article presents several examples of placemaking playing a major role in a city's success. Vancouver, the city with some of the best real estate appreciation in North America, has realized that streets have purposes other than vehicular movement. Adding bike and pedestrian lanes and limiting the width of arterial streets are some steps that they have taken which add market and social and economic value to a neighborhood. Form-based codes are also discussed throughout the article as a tool that gives cities flexibility, promotes walkable neighborhoods, and increases the tax base. Many placemaking initiatives do not require significant funds and can also receive funding from a wide variety of grants from agencies such as the Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA).

I encourage you to read through this article to learn about how other cities are incorporating placemaking initiatives into neighborhoods and the social and economic benefits that are being reaped as a result of the improvements.

Placemaking as an antidote for shrinking city budgets

Blog post by Hazel Borys on 10 Dec 2010

<http://newurbannetwork.com/news-opinion/blogs/hazel-borys/13710/placemaking-antidote-shrinking-city-budgets>

Hazel Borys, New Urban Network

It's that time of year, but it's no holiday party in most city budget meetings. Cities across the continent are looking for ways to make ends meet. A quick survey turns up some sobering city deficits: New York \$4.4 billion, Toronto \$225 million, Washington DC \$188 million, Houston \$120 million, L.A. \$87 million, San Diego \$72 million, Cleveland \$28 million. States are worse still: California \$6 billion, Illinois \$15 billion, Arizona \$1.5 billion. Those are some major gaps to fill, before we make it to the federal level.

We hear the reasons every 24-hours or so, on the nightly news. Recession-related factors such as slashed tax revenues – property, sales, income – lessened state aid, expiring stimulus funds, high unemployment, increased healthcare costs, and pension commitments for baby boomers are draining the coffers. So we're less able to pay for our infrastructure-intensive, high-octane lifestyle. Which just might have an upside.

While the economy shows some weak signs of recovery, cities lag the market by about 18 months, and are feeling the pain. The usual cadre of solutions – layoffs, furloughs, decreased services, health care cuts – may be short-term fixes. Visionary cities are looking for ways to decrease infrastructure spending and jumpstart economic development via a myriad of placemaking approaches.

How can great placemaking save money and grow the economy?

If we want to be bean counters about it, there is plenty to count. Urban mixed-use midrise is over 200 times as profitable in tax revenue per acre than suburbia. The tax basis adds up. One point of Walk Score increases your home value by up to \$3,000. The equity adds up. One point in the urban sprawl index increases your risk for being obese by 0.5%. The health care costs add up. For every 10 minutes you spend in your car, the time you spend in community activities falls by 10%. The social capital costs add up. An average American churns out 24.5 metric tons of CO2 every year, but a New Yorker produces 7.1 metric tons. The global warming costs of suburbia add up.

Former Milwaukee Mayor and CNU President John Norquist shed some light on the city crises in a conversation we had this week.

“It’s hard rations, and it’s tough times with most all city budgets. Any infrastructure has to guarantee a return on investment. Convention center expansions, ballparks, grade separated streets, and wide streets never yield the expected returns. Cities that continue down those paths will exacerbate their fiscal conditions. Neighborhood streets, complete streets, walkable neighborhoods have major returns.”

“Local governments – because they don’t have as much flexibility as state and federal governments – have to be more disciplined. A street with healthy retail and housing is worth more to the tax base – whether property tax, sales tax, or income tax. Giant roads and shopping centers are losing strategies. Infrastructure must add value, and the time for experimentation is over.”

That’s been proven by tax revenue per acre studies, as enumerated [here](#) by New Urban Network, which conclude that one of the best fiscal cures for cities is dense, urban development. The top performer is downtown mixed-use/condos that rise six stories or more, when it comes to tax revenue per acre. The logic failure of the past was thinking of tax revenue per lot instead of tax revenue per acre, making big boxes seem much more fetching than they really are.

Norquist continued to say, *“Municipal finance officers are looking for returns, and it behooves planners to make the case for the added value of planning. Planners need to be aggressive about sharing their knowledge and helping people understand. If muni officials understand that their planning staff is a key to a bigger tax base, then you won’t see cuts. Cutting your planning staff is like getting rid of your seed corn. Unless, of course, they’re ill directed. Good planning that promotes walkability and complexity are faring better in the market than strip malls and suburbia.”*

“You won’t see Portland or Vancouver putting its planning staff on furlough. Vancouver has some of the best real estate appreciation in North America, thanks in large part to great planning. During a recent visit, I noticed the ramps to the bridge to the north of the island. They used to be two-lane, but now it’s one-lane for autos and one-lane for bikes and pedestrians. They realized multi-modal transportation adds to land value. Adds to tax base. Adds to livability. Not long ago, the City passed an ordinance prohibiting arterial lanes over 3 meters. Vancouver prefers streets that add value to neighborhoods over roads that accommodate high speed vehicle movement. The City realizes the street’s value for market and social purposes, not just moving traffic. If you leave the first two out, you get a dead street, and a dead city.”

Infrastructure and transportation value capture

Infrastructure to service compact, dense development costs 32% less than conventional development patterns, says the [US EPA](#) (7/09). Denser Calgary will save taxpayers \$11.2B versus sprawl over 60 years, according to [PlanIt Calgary](#) (4/09) and, according to the Transportation Research Board’s [Driving and the Built Environment](#) (11/09), doubling residential density while increasing nearby employment, transit, and mixed use can decrease VMT by 25%.

I took a peek into the bearish outlook this week, and phoned [James Howard Kunstler](#).

“Shrinking city budgets have obvious implications for infrastructure. We’ve had warnings from professional engineer associations that the water systems of American cities are dangerously old and in need of replacement. Which applies to our entire infrastructure, except for recent light rail lines. We’ve elaborated a road and street system that is so enormous – and we’ve done it incrementally over 90 years – that we will have a very tough time keeping it up, as we become a less affluent nation. Without necessary funds for repair, we’re going to keep on deferring maintenance, even though the results are obvious roadway, water, power and infrastructure problems.”

“Larger picture is that our cities have become over-scaled to the resource realities of the future: oil, coal, electricity, natural gas, but also the fiscal realities. The bottom line is that all cities will find themselves contracting. City planning may become less institutionalized, with more self-organizing, emergent task forces. It is becoming self-evident that we have to plan in a certain way, to build more densely, compactly, and flexibly. I have this fantasy that all of the great underemployed planners out there at the moment will become their own developers, doing great incremental infill, sprawl repair, and redevelopment.”

So what’s standing in our way?

Most of our current laws make the economic losers – from the city’s perspective – easy to build, while mixed-use walkable neighborhoods are generally illegal. Particularly at a time when incremental, small-scale infill is more supportable than vast greenfields, tools like form-based codes and zoning reform allow flexibility in a changing marketplace, along with the walkable environments that people value and that generate the most optimal tax base.

Places like Montgomery, Alabama, are taking things into their own hands. The SmartCode Montgomery adopted in 2006 is enough of an economic development driver that the City is putting its own funds into the local development market. The City has a developer RFP out now for Lower Dexter Avenue, in a move to speed redevelopment of perhaps the State’s most important street. The City purchased and aggregated the properties, which they could sell at a loss, realizing the long term tax revenue of the redevelopment will likely dwarf their investment. It helps that the Mayor is a former state economic development director, and that the SmartCode has a proven local track record.

San Diego’s Uptown District, a mixed-use infill project on 14-acres of formally city-owned land, was executed in 1987 by then City Architect, Michael Stepner. The project includes a healthy mix of residential and commercial units types, townhouses, flats over retail, live-work over retail, office over retail and two-story retail. The city invested its land into the project to promote the “City of Villages” concept to private developers, and its numerous award have resonated over time as the definitive model for redevelopment in the region. Its success led the way for Peter Calthorpe’s innovative 1992 Transit-Oriented Development Guidelines as well as informing the recently updated General Plan Strategic Framework. The \$14 million dollar public investment in buying the land is still paying dividends today as this site has the lowest vacancy rate and highest rents per square foot in the mid-cities region.

Where some of the funds are still flowing

DOT-HUD-EPA Interagency Partnership for Sustainable Communities awarded almost \$700 million in October, which is in the early stages of being disbursed via Tiger II and other grants. Other sources at the top of the list for funding placemaking efforts are US Department of Housing and Urban Development Community Development Block Grants and US EPA Smart Growth Implementation Assistance Program. A plethora of other options are available, including the following sources:

American Farmland Trust Community Farmland Protection. American Institute of Architects Sustainable Design Assessment Teams. American Recovery and Reinvestment Act of 2009. City and State Civic Art Commissions such as Seattle Art Resource Network. EDA Economic Adjustment Assistance Program | Global Climate Change Mitigation Incentive Fund | Planning Program | Public Works and Economic Development | Research and National Technical Assistance Program | Revolving Loan Fund Program. Environmental Protection Agency Clean Waters Act | Coastal Zone Act Reauthorization Amendments | Brownfield Grants | Revolving Loan Fund Grants | Cleanup Grants | Job Training Grants | Targeted Brownfields Assessments | Sustainability Pilots. FHWA Transportation Enhancements | Transportation Planning Capacity Building | Transportation, Community and Systems. Gateway Communities Technical Assistance. HUBZone Program. LGC Customized Technical Assistance. NAR Smart Growth Grants. NEA Citizens Institute for Rural Design. NTHP Main Street Center. National Vacant Properties Campaign. Project for Public Spaces. Rural Community Development Initiative. Scenic Highways. Smart Growth America. Smart Growth Leadership Institute. Sustainable Agriculture Research and Education. Urban Land Institute Advisory Services. US Dept Veterans Affairs Business Development Program. USDA Rural Development. USDA Value-Added Producer Grants. Workforce Investment Boards.

So what's it all mean?

The economics are undeniable. The historical lessons are there. The modern-day case studies are growing. The question that remains is not “how?” but “who?”

Some will choose to heed the writing on the wall and some will not, which is how cities have thrived or withered for as long as there have been cities.

Is your city working towards the cure?

Hazel Borys is with Placemakers, a planning, coding, marketing, and implementation firm. This article originally appeared on PlaceShakers and NewsMakers.

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
MUNICIPAL COURTROOM, MUNICIPAL BUILDING 2ND FLOOR
December 14, 2010**

1. Present

Commissioners:

Sherwood Bishop, Chair
Bill Taylor, Vice-Chair
Bucky Couch
Randy Bryan
Travis Kelsey
Jim Stark
Chris Wood
Curtis Seebeck

City Staff:

Matthew Lewis, Interim Director
Francis Serna, Recording Secretary
Christine Barton-Holmes, Chief Planner
Sofia Nelson, Senior Planner
Abby Gillfillan, Planner
John Foreman, Planner

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday December 14, 2010 in the Municipal Courtroom, Municipal Building, 2nd floor, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Bishop welcomed the audience.

4. *NOTE:* *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

5. Citizen Comment Period

There were no citizen comments.

6. CUP-10-30 (1421 Highland Drive) Hold a public hearing and consider possible action on a request by Ryan Hammett for a Conditional Use Permit to allow a 12x23 carport to be enclosed and used as an office and guest house at 1421 Highland Drive.

John Foreman advised the Commission that the applicant has withdrawn his request.

Chair Bishop opened the public hearing. Arnie Leeter, 1416 Highland Drive stated that he strongly objects to the request. He explained that there are traffic and parking issues in the area. Mr. Leeter would like to preserve the quality of the neighborhood. There were no additional citizen comments and the public hearing was closed.

Chair Bishop announced that since the application has been withdrawn no action will take place.

7. CUP-10-31 (1710 N. IH 35) Hold a public hearing and consider possible action on a request by Matthew Dani for a Conditional Use Permit to allow used auto sales at 1710 N. IH 35. No changes to the building or site are proposed.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Taylor, the Commission voted all in favor to approve CUP-10-31 with the conditions that there shall be a minimum of ten parking spaces, no more than five of which may be used as display area; no auto repair services are allowed on site; the carport may be used for detailing and cleaning of vehicles only; property may not be used as a tow yard, vehicle storage, or impoundment; on site fencing shall be repaired and the facility shall be landscaped in the front of the property and adjacent residential uses screened. The motion carried unanimously.

8. CUP-10- 32 (730 Belvin Street) Hold a public hearing and consider possible action on a request by Frank Gomillion, on behalf of Gerald and Donna Hill, for a Conditional Use Permit to allow an existing 260 square foot building be converted into an accessory dwelling unit in a Single Family Residential (SF-6) zoning district at 730 Belvin Street.

Commissioner Stark recused himself from the discussion.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Seebeck, the Commission voted all in favor to approve CUP-10-32 with the following conditions: compliance with the Occupancy Restrictions of Section 4.3.4.5 of the Land Development Code; and there be no separate utility meters. The motion carried unanimously.

9. PC-04-10(03c) (Cottonwood Creek Subdivision) Consider possible action on a request by Steve Ramsay, on behalf of Cottonwood Creek, JDR, Ltd., for approval of a final plat for Cottonwood Creek Subdivision, Phase 1, Section 1-C, being 14.62 acres located on the east side of State Highway 123 about one mile south of Clovis Barker Road.

Commissioner Stark recused himself from the discussion.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bryan, the Commission voted all in favor to approve PC-04-10(03c) as submitted. The motion carried unanimously.

10. PVC-10-05 (Lost Prairie Lane) Hold a public hearing and consider a request by Patrick Doll, on behalf of Martin Aguilar, for a variance to 6.7.2.1(b) of the Land Development Code, which requires that each lot on a plat shall front onto a dedicated, improved public street, for an approximately 1.0012 acre tract out of and part of the S.A. and M.G. Railroad Co., Survey No. 534 Abstract No. 308 in Guadalupe County, Texas.

Chair Bishop opened the public hearing. Patrick Doll, student member of the Community Development Clinic at The University of Texas explained that the clinic often represents people in the Rancho Vista and Redwood communities on a Pro Bono basis. He stated that he is representing Mr. Aguilar in this matter.

Martin Aguilar, 4848 Lost Prairie, spoke with an interpreter, Francis Leos Martinez; Supervisor of the Development Clinic stated that when Mr. Aguilar bought the property he thought the property was ready to be lived on. She said Mr. Aguilar hired a surveyor to survey the property. He then applied for a septic permit and was rejected being told he could not get a permit. Mr. Aguilar explained he was present to ask for a variance so that he can apply for a septic permit for his home. He mentioned that he lives on the property with his family and is in need of making repairs to the septic system. Mr. Aguilar further explained that when he went to Seguin to apply for the permit, Seguin sent him to San Marcos and then San Marcos sent him back to Seguin.

Randy Johnson, Student Member of the University of Texas Law gave a brief overview of two prior cases brought before the Commission. He explained that this request is different in that the applicant is requesting a variance to correct a problem on the property. Mr. Johnson explained that Mr. Aguilar is taking correct measures to plat his property by hiring a surveyor, going to the title company and has tried to hire an attorney to assist him. He added that Mr. Aguilar has spoken to the Guadalupe County Commissioner's Court and they have assessed the tax base on everyone on the road and have said they are moving forward with turning the road in to a public road. Mr. Johnson stated that Guadalupe County does not have a schedule to when the road construction will begin. He further explained that the applicant will be in limbo and possibly fined by the County. Mr. Johnson commented that he disagrees with staff recommendation regarding the vicinity of the property that most lots front on a public street. He said that the property is safe and will not be detrimental to the public health and safety or welfare to other properties within the area. Mr. Johnson pointed out that the variance request is not for the applicant financial gain.

Eddie Garcia, owner of the property located on Lost Prairie adjacent to Mr. Aguilar. Mr. Garcia said he did not know of the issues. He explained that he has built his home and has applied for a septic permit in Seguin but was turned down. Seguin offices sent him to San Marcos and that is when he was advised of the issues regarding the property. Mr. Garcia explained that the septic and water are the final phases of the home. He asked the Commission for their assistance in proceeding with the request.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Kelsey, the Commission voted seven (7) for and one (1) opposed to postpone the request to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried. Commissioner Seebeck voted no.

11. PVC-10-06 (Lost Prairie Lane) Hold a public hearing and consider a request by Patrick Doll, on behalf of Martin Aguilar, for a variance to 6.7.2.1(j) of the Land Development Code, which requires that lot depth shall not exceed three times the lot width for lots platted after March 10, 1975 for approximately 1.0012 acre tract out of and part of the S.A. and M.G. Railroad Co., Survey No. 534 Abstract No. 308 in Guadalupe County, Texas.

Chair Bishop opened the public hearing. Patrick Doll gave a brief overview of the of the nine criteria's in granting a variance stating that Mr. Aguilar would endure unnecessary hardship and inequity if the variance is not granted because it is likely on a matter of time before Lost Prairie Lane is converted in to a public road by Guadalupe County. A denial of the variance would amount to nothing more than an unnecessary delay for Mr. Aguilar to properly plat his property; the circumstances causing the hardship to not affect all or most of the properties in the vicinity of Mr. Aguilar's land; Mr. Aguilar currently lives on the land with his family. Without a variance he will not be able to obtain building or septic permits; the land does not create any public health and safety hazards. The land has been successfully lives on for several years; the property will not affect he use or enjoyment of any of the surrounding tracts of land; Mr. Aguilar did not cause the hardship, because he was in full compliance with traditional real estate practices; Mr. Aguilar currently resides on the land at –issue with his family; and the variance requested by the applicant is the minimum required to satisfy the standards of the land Development Code.

Eddie Garcia stated that he does not currently have a septic system. He will be applying for a permit and asked what would be the difference between his case and Mr. Aguilar's case.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Stark, the Commission voted six (6) for and two (2) opposed to postpone the request to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried. Commissioners Seebeck and Taylor voted no.

Chair Bishop introduced Jim Nuse, City Manager for the City of San Marcos. Mr. Nuse introduced himself and stated he appreciated the service of the Commission. He advised the Commission that a Joint City Council and Planning Commission Workshop will be scheduled in mid January.

12. PDD-10-01 (222 Ramsay) Hold a public hearing and discuss a request by Iconic Development, on behalf of San Marcos Green Investors, for a PDD overlay with an MF-24 base zoning for approximately 3.86 acres located at 222 Ramsay Street.

Chair Bishop opened the public hearing. Pat Bernacke, 222 Ramsay, represents the applicant explained that they purchased the property about a year ago and have improved the property. They have upgraded 50 of the 108 units. Mr. Bernacke stated that the Phase II will begin in the summer. He said they see an opportunity to meet the demand of the student population.

Phil Bennett, colleague of Pat Bernacke stated that staff had concerns regarding wastewater and felt that the toilet upgrades would help the problem. In addition, they are closing one pool and replacing with a dog park which will assist with reduced utility consumption. Mr. Bennette asked the Commission to possibly grant a Certificate of Occupancy prior to 2012. There were no additional citizen comments and the public hearing was closed.

13. LUA-10-12 (1248 Conway) Hold a public hearing and consider possible action on a request by JW Concept Inc., on a Future Land Use Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) being approximately 0.35 acres located at 1248 Conway Drive.

Chair Bishop opened the public hearing for LUA-10-12 and ZC-10-18. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Taylor, the Commission voted all in favor to approve LUA-10-12. The motion carried unanimously.

14. ZC-10-18 (1248 Conway) Hold a public hearing and consider possible action on a request by JW Concept Inc., for a zoning change from Single Family (SF-6) to Townhomes (TH) for approximately 0.35 acres located at 1248 Conway Drive.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Taylor, the Commission voted all in favor to approve ZC-10-18. The motion carried unanimously.

15. LUA-10-13. (1249 Conway) Hold a public hearing and consider possible action on a request by JW Concept Inc. on a Future Land Use Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) being approximately 0.35 acres located at 1249 Conway Drive.

Chair Bishop opened the public hearing for LUA-10-13 and ZC-10-19. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Taylor, the Commission voted all in favor to approve LUA-10-13. The motion carried unanimously.

16. ZC-10-19. (1249 Conway) Hold a public hearing and consider possible action on a request by JW Concept Inc., for a zoning change from Single Family (SF-6) to Townhomes (TH) for approximately 0.35 acres located at 2249 Conway Drive.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Taylor, the Commission voted all in favor to approve ZC-10-19. The motion carried unanimously.

17. Discussion Items.

Planning Report

- a. Update on proposed downtown form-based code. Sofia Nelson gave a brief overview of the Outreach Plan for the Form-based Code.
- b. Planning Commission 2011 Retreat. Matthew Lewis advised the Commission that the retreat will be scheduled in March. Chair Bishop and Commissioner Couch volunteered to assist staff coordinating the Commissioner Retreat.

Commissioners' Report

Chair Bishop introduced Kenneth Ehlers, newly appointed Planning and Zoning Commissioner. Commissioner Ehlers introduced himself to the Commission.

18. Consider approval of the minutes from the Regular Meeting on November 9, 2010.

MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Kelsey, the Commission voted seven (7) and none (0) opposed and one (1) abstained to approve the minutes of the regular meeting on November 9, 2010. The motion carried. Commissioner Seebeck abstained.

19. Questions and answers from the Press and Public.

There were no questions from the public.

20. Adjournment

Chair Bishop adjourned the Planning and Zoning Commission at 8:42 p.m. on Tuesday, December 14, 2010.

Sherwood Bishop, Chair

Bucky Couch, Commissioner

Jim Stark, Commissioner

Travis Kelsey, Commissioner

Chris Wood, Commissioner

Randy Bryan, Commissioner

Curtis Seebeck, Commissioner

Bill Taylor, Commissioner

ATTEST:

Francis Serna, Recording Secretary